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The Week

IN framing its program the progressive conference in Washington postponed for future consideration the economic planks but came out immediately with a demand for the abolition of the electoral college and a uniform system of presidential primaries. At the same time they repudiated the idea of a third party. This combination indicates pretty clearly the nature of their political tactics during the next two years. They propose to put up a fight for the Republican nomination with Robert La Follette as their probable candidate. The senior Senator from Wisconsin was careful not to intrude his own personality on the Washington conference. He discreetly and sensibly refused to turn himself into the hero of the occasion. But his record as a progressive before, during and since the war, the extent to which the reactionaries have heaped unfair abuse upon him, and his own overwhelming majority in Wisconsin all give him an exceptional prestige at the present time—a prestige which Senator Borah alone is in a position to challenge. There are powerful reasons to be urged in favor of advertising the progressive cause by adopting him as the progressive candidate and running him in the primaries, but there are also grave objections to the employment of such tactics. They might tend to consolidate the new progressive movement too rapidly, and consequently to sacrifice its permanent welfare to the exigencies of a most contentious political campaign.

THE account of the record of Mr. Pierce Butler, President Harding's recent appointee to the Supreme Court, which we present on another page of this issue, expresses the attitude towards Mr. Butler which is unanimous among the progressives of the Northwest. They object to him in part because his professional practice was largely occupied with assisting corporations which operated public franchises to increase the legal valuation of their property as a foundation for higher rates. They object to him even more because during the reign of terror which was established in that part of the country during and after the war, he was, so they allege, the leader and the brains of the terrorists. They do not apparently question his legal knowledge and ability, but they object to him as a lawyer because he is committed in advance to a one sided attitude with respect to an extremely important class of cases and as a man because he has shown himself to possess a narrow and intolerant mind with a strong tendency to vindicate the truth as he sees it by compulsion rather than by persuasion.

WE should attach less importance to the first of these objections if it were not for the validity and the extreme importance of the second. In estimating a lawyer's qualifications for a justiceship of the Supreme Court it is not fair to disqualify him solely on the ground that he was identified publicly with a certain class of clients and cases. Objections of this kind were urged against Mr. Brandeis when President Wilson appointed him in 1916; and the New Republic asserted at that time and still asserts that such objections are not conclusive. They

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should be considered in relation to what is known about the appointee's general intellectual and moral qualities. Mr. Brandeis was known to be not only an able lawyer but a reasonable, fair-minded and essentially wise man. He would to the best of his ability consider specific cases on their own merits and not as opportunities to apply a preconceived general rule. His record on the Bench has vindicated this judgment. But, unless the impressions of his neighbors are wholly incorrect, Mr. Pierce Butler is not a reasonable and fair-minded man. He is a bigoted partisan, the nature of whose opinions on all issues which involve the value of corporate property and freedom of speech could be predicted in advance. So clearly and so flagrantly is this the case that one is tempted to attribute the appointment to maleficent design on the part of the Attorney General. The latter may find it useful to have on the Supreme Bench an analogue of District Judge Wilkerson.

IN this issue we publish an article by Professor Freund on the proposed constitution of Illinois now before the voters of that state. Professor Freund is an expert in constitutional law whose authority carries great weight with us. There are, however, certain points in the new constitution that raise grave issues not, in our opinion, dispelled by Professor Freund's discussion. They have aroused intense opposition among Illinois liberals and progressives, an opposition with which we are in complete sympathy. And since the constitution must be accepted or rejected in its entirety, in spite of the fact that it contains many commendable features we think that it ought to be rejected.

THE fate of the Dyer Anti-Lynching bill was not unexpected. Everybody knows that under the existing Senate rules even a one-third minority may veto any piece of legislation, if it chooses to exercise its privileges. Accordingly the Southern Senators would have been held directly responsible if the measure had come to a vote. It would have meant political extinction for practically every one of them and for their supporters at home. Self-preservation imperatively dictated a filibuster. The supporters of the bill inside of Congress and outside of it were perfectly cognizant of this situation. Why then did they waste time in pushing the measure? For two reasons. The better reason was the desire of good citizens to concentrate public attention upon the hideous disgrace that stains our American civilization and to force a public recognition of the fact that something can be done about it and must be done. The worse reason was the desire of certain politicians to strengthen the bonds attaching the Negro voters of the doubtful states to the Republican party. The politicians got what they aimed at. Whether the good citizens got anything or not depends entirely on the spirit in which they take their defeat. If they continue their fight against lynching by whatever means at their command the Dyer bill effort will not have been wholly vain.

OF the House amendments to the Shipping Subsidy bill there is one that would absolutely destroy its efficacy as a stimulus to merchant marine development. That is the provision making the actual payment of subsidy depend on annual appropriations by Congress. In the good old days of an overflowing treasury it might have been possible to count on a succession of Congresses that would vote money for the payment of subsidies. Such days will not soon return. Until the dim future Congress will be racked between the necessity of finding money for the inevitable expenditures and the restiveness of the people under heavy taxation. Therefore the subsidy appropriation will be bitterly opposed in every Congress, and more than occasionally omitted. No business man in his senses will buy or build ships on such a gamble. Those who can make the operation of ships pay without a subsidy will no doubt accept with a good grace such appropriations as may come from the Treasury. In the circumstances we marvel at the machine-mindedness of a President who insists on pushing the shipping subsidy measure through by aid of the lame duck vote. Grant that he is sincere in his belief that a permanent policy of subsidies would give us a flourishing merchant marine. Can he possibly blink the fact that any such permanent policy is for the present a political impossibility?

THE Turk is the Turk, and it is a waste of breath to denounce him for exhibiting his known characteristics in the project of expelling the Christian minorities from his domain. It is not the wolf in the sheep fold who is morally guilty of the carnage but the stupid or vicious shepherds who let him have his will. Of these shepherds the French, who have claimed for centuries the title of protectors of the Christians in Turkey bear the largest share of the immediate guilt. The resurgence of the Turk suited their plans of applying pressure to England. They abetted and encouraged and aided him. But the ultimate responsibility rests upon the Allied powers as a whole. If they had adopted the mandate principle in good faith, assigning each mandated territory to the nation least interested in its perpetual retention, America might conceivably have accepted the obligation to assume a mandate for Asia Minor. It would have been costly and laborious, but it would

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have saved millions of lives. The diplomats at Paris, however, perverted the mandate principle to a scramble of interests. And we had no "interests" in Asia Minor, we who had made such loud professions of purely humanitarian interest in our anti-German propaganda. Millions of human beings have paid with their lives for our "disinterestedness" in the affairs of the Near East.

EXTERMINATION, or expulsion of minorities, is no new invention of the Turk. After the Balkan wars extermination was practised by the Greeks, Serbians and Rumanians against the Bulgars and Turks caught within the extended boundaries of the conquering states. It has been practised against Germans and Magyars in Jugoslavia and Rumania, and the French in Alsace Lorraine have not been over nice in expelling unpleasantly German inhabitants of the redeemed provinces. The Christian peoples have indeed observed certain legalistic forms, such as compensation, at pre-war prices, in depreciated paper, for the property of the unfortunates expelled. But substantial justice to racial minorities has been the exception, not the rule, in Central and Southeastern Europe. The Turk has carried the outrage to its logical conclusion. And to give the Devil his due, the Turk has far better reason for expelling the Christian minorities than the Christian nations have had for expelling national minorities. Turkey has been gravely weakened by peoples within her borders ready to join with any power aiming at her destruction. It is not astonishing that she grasps at the opportunity to excise this weakness, once for all.

BY the execution of Gounaris and his fellow statesmen and generals modern Greece exhibits her title to descent from the Greeks of the Peloponnesian war. After the naval battle of Arginusae the Athenians condemned and executed the six generals who turned victory into disaster by leaving the disabled to their fate. Then as now what led to the executions was the despair and rage of a beaten populace cunningly played upon by the demagogues of the opposing faction. The Gounaris cabinet had grave crimes upon their heads. They sought to strengthen a weak domestic position by continuing a policy of adventure inaugurated by their opponents. Thereby they plunged the Greek people into irremediable disaster. If they had been destroyed by a spontaneous rising of the people they deluded and ruined, we could only say that the lesson to designing politicians ought to be salutary. But that, we think, would be to misread the event. This was not a spontaneous popular movement, but the carrying out of a program in the interest of other politicians equally guilty of crimes of ambition committed against the Greek people.

LEN SMALL of Illinois does not fulfill our ideal of the chief magistrate of a great state, but for his action in commuting the sentences of members of the Communist Labor party, tried and convicted under the criminal syndicalist law in 1919, we have only praise. Governor Small in expressing his view that the law was unconstitutional took his stand on the opinion of Justice Carter, printed in the New Republic for November 29th. That opinion deserves to take its place among the courageous and sensible utterances from the bench which mark the operation of the better mind in respect to justice and civil rights after the submergence of reason in war.

GARET GARRETT, writing in the Saturday Evening Post, offers the most effective defence we have seen of America's moral right to demand payment of the Allied debts. He refutes quite conclusively the view that these debts as a whole represent our contribution to the common enterprise of the war. A considerable part of the sums borrowed from the United States Treasury was used to pay off loans raised by England and France before we were in the war. A much larger part was used after the armistice for civil as well as military purposes. Mr. Garrett's figures seem to indicate that about a third of the Allied debts may be accounted for in these ways. As for the rest of the debt, there is no way of distinguishing between what was applied to war effort and what part was applied to keeping Allied industry and trade going. But there is no doubt that a very large part was applied to the latter purpose. Further, at the time when the Allies were borrowing money from us to pay our producers for munitions and supplies, they were selling munitions and supplies to us for our army in Europe, taking, not our IOU's for them, but cash. We charged them good round prices for what they took from us, but they served us the same way. Plainly, the purely sentimental argument for forgiving the debts has been overworked. There is, as we see it, only one condition under which the cancellation of the debts would be worth considering. This is that the Allies cut off the excesses of the indemnities, sink their enmities, disband their armies and get down to the business of reconstruction. But the Allies show no disposition to accept such a condition.

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Progressivism Reborn

THE newspapers have speculated furiously about the real meaning and the ultimate objects of the conference which the progressives have recently held in Washington, but most of the speculation has erred on the side of being too ingenious and pretentious. There was nothing either sensational or furtive or sinister or even obscure about the objects for which the conference was called. It was the natural answer to the new and more responsible situation in which the progressives throughout the country found themselves as the result of the recent election. The obvious and in the long run fatal infirmity of the progressives, as an immediately effective political force, consists in their disorganization. Their leaders in Congress called the conference in order to find out how far and in what way progressives who lived in different sections of the country and are now affiliated with different parties could agree upon a common program.

The recent election gave promise of renewed vitality for a force in American politics which had been submerged for many years. Many progressive candidates, nominated in some instances as Democrats and in other instances as Republicans, were elected by considerable majorities. This revulsion against stand-pattism was spontaneous and wholly unorganized. It was not commanded by any general staff; it did not owe allegiance to any common body of principles; and it was the result of little cooperation among its different local leaders. It was literally a popular uprising but it was an uprising of protest rather than affirmation. It indicated dissatisfaction with the older parties and a lively sense of class or sectional economic grievances rather than a permanent conversion to progressivism or a common understanding of the direction which the progressive movement should take. Yet just because it did spring up spontaneously in so many different localities without the benefit of any national agitation or any central direction, it may well prove to be the expression of a permanently effective popular political and social impulse. It may endure as no other revolt against stand-pattism has endured since the formation of the Republican party.

The meetings which were held in Washington on December 1st and 2nd discussed ways and means of piecing together these local progressive insurrections and of giving them a general staff and a common program. The most practical and immediate subject for discussion was the course which the progressive members of Congress should adopt to kill legislation to which they are opposed and to secure the passage of legislation which they favored. Should they form a bloc in both houses whose members would agree to act together? If so how binding should be the agreement? What measures should they oppose and what measures should they support? Are they to frame a legislative program of their own? If so what are its planks?

These questions were earnestly and intelligently discussed at the meeting in Washington, and the decisions which they reached were unanimous and statesmanlike. The members of Congress agreed to form, not a solid bloc which would caucus and vote as a unit on all questions of progressive policy, but a group with a steering committee and an obligation to confer with one another before acting. The group will become effective as an organization just in so far as its members find themselves after discussion to possess common convictions, but it will not insist on the sacrifice by any of its members of their individual convictions to group unanimity. In the meantime it will appoint a committee and hold a series of conferences for the purpose of working out a joint legislative program; and it expects in this way to increase the area of agreement among the members of the group and diminish the area of disagreement. The object is to consolidate the group gradually—not by any exercise of constraint but through mutual understanding and consent.

There is an amount of political circumspection and good sense about this procedure which is rare in American progressive politics. It goes quite as far as it is desirable to go at present in the direction of a central organization and a joint program. If the revival of progressivism is to last longer and accomplish more than the noisy but abortive explosions of the past, its leaders should not encourage it to crystallize too quickly or to sacrifice much in the way of latent local support for the benefit of a premature policy of consolidation. Just because the recent progressive insurrections are sporadic and spontaneous, they will not in the beginning accommodate themselves easily to the discipline of a common policy or a single organization. The organization of a progressive group does well to start by being somewhat loose and its policy by being not too sharply defined. Then if the different insurrectionary explosions represent permanent economic and political impulses and are capable of making those concessions to other sections and classes which are essential to effective political cooperation, they will come together gradually as a natural result of the effort to make their permanent common impulse prevail. On the other hand if the insurrection is only another half-hearted and premature explosion, its several ingredients will under the pressure of political contentions move apart.

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They will turn back towards their old party loyalties rather than forward towards a new faith and allegiance.

It is a thorny and laborious road which they are setting out to travel. They will make headway more quickly if the present leaders of the Republican party copy the policy of the Old Guard in 1909 and refuse to concede anything to the insurgents, but it is improbable that the Republicans under their existing leadership will repeat all their past errors. The Old Guard is no more enlightened than it was, but it is less headstrong, and President Harding does not fight unless his back is to the wall. He obviously proposes in the present emergency to buy off the right wing of the Western progressives by concessions to the farmers' demand for longer and more abundant credits; and he hopes in this and other ways to reduce the insurrection to manageable dimensions. We do not believe that these Republican concessions will go far enough to prevent the progressive insurrections from consolidating and growing; but even if they are too meagre to retard the progressive advance, it will have to overcome a more insidious enemy. It will have to hold to its course in spite of an even more beguiling Democratic red herring. As the presidential campaign draws near, there are several Democratic candidates for the nomination who will offer extremely seductive terms to discontented farmers and wage-earners for their support. Should any one of these candidates be nominated, so many progressives, particularly in the industrialized states, may under Mr. Gompers's influence swing towards Democracy that a fatal wedge will be driven into the national progressive political bloc. It is the differences between the Democrats and the progressives about foreign policy which will provide the most promising safeguard against this possibility.

It remains to be seen whether or not the two major parties will succeed in preventing by kindness the consolidation of these local progressive revolts into an effective national progressive political group. According to present appearances the decision may run either one way or the other. There is a right wing of voters who are momentarily irritated into revolting against stand-pattism but who are ready to be conciliated by the kind of concessions which the Republican leaders are now planning. On the other hand there is a left wing which will insist on certain railway and tax legislation which the older parties can scarcely accept without provoking a conservative insurrection in their own midst. This left wing is more numerous and more aggressive than the right wing. It will seek to identify the progressive insurrection with a policy which neither of the older parties can accept. If it succeeds and if on the basis of this program the progressive members of Congress succeed in vetoing the legislation to which they are opposed and create a popular demand for the radical legislation which they favor, then progressivism will issue a challenge to the older parties which is bound to result in a declaration of war and in a campaign of attempted extermination rather than conciliation.

The issue is in doubt, but our readers should prepare their minds for war. Although the hostilities may not begin for some time, it does not take very sensitive nostrils to smell the coming battle. The recent meeting of the progressives in Washington was remarkable for the expression of a spirit which differed sharply from the spirit which has animated past progressive agitation in this country. It exhibited less enthusiasm than usual but more determination. It was a gathering of cool-headed and hard-headed politicians who know in general what they and their constituents want and who know how difficult it will be to get what they want and who did not expect to substitute a camp meeting or a tour de force for patient and plodding work. The temper of these new leaders is grim, hard and stubborn. They have known what it is for years to be stigmatized by the spokesmen of the conservative political and business interests as traitors to their country and to be treated as outcasts chiefly because they were fighting certain notoriously unfair and ill-working economic institutions and practices. The bitter experience sharpened and deepened their conviction of the reality of the economic grievances under which their clients, the classes of the farmers and the wage earners, are suffering. It persuaded them to believe that an economic organization, which was not grossly privileged, and which was not in reality weaker than it seemed, would not need to defend itself by appeals to so much violence and misrepresentation. If the grievances of which they are the spokesmen are not real, they will not succeed in consolidating and perpetuating the local insurrections which have elected them to office; but if, as there is much reason for believing, those grievances are real, and, if under the existing economic organization a disproportionate share of the national income is being appropriated by the manufacturer, the middleman and the banker, then the people who are operating the commerce and industry of the country should beware. They are dealing with a group of economic men-at-arms and sectaries, not dissimilar in spirit to Cromwell's "Ironsides" — men who if they are sufficiently aroused may be ruthlessly destructive in obedience to a mandate to build an economic and social organization which provides a better livelihood for their constituents, the "plain people."

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No Immigrant Flood

A CHANGE of heart has come over the captains of industry. Less than three years ago they saw in every man of alien speech a potential Bolshevik. Back with him to the place he came from, and up with the draw-bridge against new attackers. The Department of Justice, so called, stirred up the alien population with a hot poker, jailing, deporting, and creating so general a sense of uneasiness that aliens emigrated in shoals. But now from all over the country the cry goes up that American prosperity is suffering from lack of cheap alien labor. The railway companies are demanding immigrants for the dirty work of the construction camp. The coal operators likewise would like some tens of thousands of workers about the mines who have been schooled in European poverty to accept modest rewards with gratitude. The steel industry hungers for docile aliens. And now Mr. Howard, speaking for the Farm Bureau Federation, demands cheap alien farm laborers. In officialdom Secretary Mellon is said to be an ardent champion of abundant immigration. President Harding has not committed himself, so far as we know, in any communication to the American people. But Signor Mussolini speaks of a letter from Harding expressing sympathy with Mussolini's demand that the Italian quota be raised so as to admit 100,000 picked laborers.

For the acerbities of the quota law we offer no excuse. Unspeakable barbarities have been committed under that law. Families have been torn asunder, and wretched refugees from political and religious persecution have been thrown back upon the mercy of their enemies. These barbarities ought to be eliminated forthwith. It could be simply done. Let in the near relatives of aliens resident here and charge them against the next years' quotas. Neither have we any respect for the quota principle as such. It was conceived by Dr. Gulick as a hocus-pocus for saving the Japanese face, but in the actual application of the principle the Japanese face was further spat upon. Sound or fantastic, however, the principle does reduce immigration to a modest volume which does not seriously weigh down the labor market. And we think that the common sense of the great majority of Americans, who live by the labor of their hands, will oppose the abrogation of the quota law until an equally effective restrictionist measure has been devised to take its place.

America is not suffering from a shortage of labor. There must be, today, over a million men out of work. That is a chronic state with us. These men are not the unemployable, of whom we have made some hundreds of thousands by a hopelessly chaotic labor market which finally breaks the spirit of multitudes of men every year. The million we speak of represent the minimum in a transient state of idleness between jobs, and men on part time, as in the coal industry, where we have over a hundred thousand more than could be employed if every man worked full time. In bad seasons the million mushrooms out to two or three millions, and in time of crisis to five or six.

In view of this situation it requires a great deal of effrontery to assert that America is suffering from a shortage of labor. We are wasting our present labor resources most shamefully. When our captains of industry have so reorganized their business that they can offer full annual employment to all their workers and have reduced their labor turnover to a minimum they will have a right to be heard as to whether more immigrants are required.

Is it not true, however, that more laborers are needed on the farms? No. The managers of large farms are no doubt handicapped by the scarcity and dearness of farm labor. It is hard to get a sufficient number of American born farm hands. But why? Because the wages offered are insufficient. And that goes back to the fact, that at present prices farming cannot afford living wages. It does not afford living wages to the great majority of farmers who till their fields by their own labor. Cheap alien labor, while it might improve the position of the large farmer at least temporarily, would only aggravate the evils under which the farming industry as a whole suffers. In so far as it worked to increase production it would still further reduce prices and accelerate the movement of country boys to the city.

America has a vast social problem of her own to solve. That is the problem of raising the mass of her population, both rural and industrial, to a standard of comfortable living compatible with democratic institutions. America commands natural resources adequate to the task. What is required is organization of both industrial and rural workers to defend their common interests, the elimination of waste, both of material and man power, and better training. In all these directions progress depends on the limitation of immigration. We cannot have effective labor organizations so long as employers can replace the bulk of their American or Americanized workers with a Babel of aliens. The farmers will not organize to cut out waste in marketing so long as semi-servile alien labor offers a specious relief through reduced costs. The employing class will not make a serious effort to regularize the labor market and minimize the labor turnover so long as all Europe counts as a

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labor reserve. Neither will any systematic effort at education and training be made. We shall follow the easy way of seeking profits through the exploitation of alien poverty.

But is there not something essentially illiberal in excluding from this country persons who would seek security and increased prosperity here? There is, and we regret it. But we hold that America owes to the world an obligation superior to that of offering not only a refuge to the bitterly oppressed but opportunity to those who are poorer than our own poor. That obligation is to present an example of a great state successfully attacking the problem of poverty itself. If we succeed other states will follow. When we are in sight of success we may again be safe in opening our gates to all comers. But in the meantime such a policy could have only the disastrous effect of producing an equilibrium of poverty between the New World and the Old.

"The Chief of These is Property"

THE Court of Appeals of the District of Columbia has declared unconstitutional the minimum wage law for women which Congress enacted for the District, on the ground that it violates the guarantee of due process of law. The circumstances surrounding this remarkable decision are not those which one is accustomed to associate with the judicial process.

The minimum wage law was adopted by Congress in 1917. No one appeared before the Congressional Committee to oppose the law, which was endorsed by the local employers' association. The law provided for conferences of employers and employees of the various industries in which women were employed together with representatives of the public to fix the minimum wage for each industry. The law was then enforced by a Minimum Wage Commission.

The minimum wage for women employed in hotels and hospitals was fixed at $16.50 per week with allowances for food and lodging. This wage was being enforced by the Commission when bills for injunctions were brought to stop it. These bills were dismissed by the Supreme Court of the District of Columbia and the cases were appealed to the Court of Appeals.

When they came on to be heard Mr. Justice Robb, an appointee of President Taft, was ill and had been for some time. In accordance with the statute, Judge Stafford, of the Supreme Court of the District was sitting in Judge Robb's place when these cases were argued. The judgment of the majority of the Court of Appeals, Mr. Chief Justice Smyth and Judge Stafford, was to affirm that of the lower court and uphold the law, Mr. Justice Van Orsdel, an appointee of President Taft, dissenting. An application for a rehearing of the case was denied by the Chief Justice and Judge Stafford, Justice Van Orsdel dissenting.

Counsel for the defeated party then made private representations to Judge Robb that he should vote on the petition for a rehearing. After the court had adjourned for the summer Justices Robb and Van Orsdel, over the objection of the Chief Justice, directed that the cases be reargued. It was upon this reargument that these two judges reversed the first judgment of the court and declared the law unconstitutional.

Speaking of this course of conduct, the Chief Justice said:

> It would seem from the foregoing that the appellants finding themselves defeated, sought a justice who had not sat on the case but who, they believed, would be favorable to them, and induced him, by an appeal directed to him personally, to assume jurisdiction and join with the dissenting justice in an attempt to overrule the decisions of the court. I shall not characterize such practice—let the facts speak for themselves.

The purpose of the judicial review of legislation, we are told, is to insure a "government of laws and not of men"—to secure the fundamental principles of the Constitution against the vagaries or passions of a temporary majority. Perhaps Judge Robb regarded the majority of the court as temporary. At any rate, it was a change of men and not of law which resulted in the reversal of the court's judgment.

Why did the two appointees of President Taft regard the minimum wage law, which has been in successful operation in thirteen states for over a decade, as endangering the fundamental principles of the Constitution? They must answer in their own words.

> Legislation tending to fix prices at which private property shall be sold, whether it be a commodity or labor, places a limitation upon the distribution of wealth and is aimed at the correction of the inequalities of fortune which are inevitable under our form of government, due to personal liberty and the private ownership of property. These principles are embodied in the Constitution itself and to interfere with their freedom of operation is to deprive the citizen of his constitutional rights. In other words, regardless of public sentiment or popular demand, such a radical change, if deemed necessary, should not be accomplished by legislative enactment or judicial interpretation, but by way of amendment in the orderly way provided.

The courts of the thirteen states which have minimum wage laws for women had not found them in conflict with the due process clause. They

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had found that the competition among women for labor often resulted in the acceptance of wages too low to maintain a decent standard. They found that prostitution was intimately connected with starvation wages. And they held that the establishment of a minimum wage was a reasonable corrective of these evils. With its wisdom or economic soundness they had nothing to do.

Judges Van Orsdel and Robb had the same facts presented to them, in an elaborate brief prepared by the Consumers' League. But they knew better. No statistics for them.

> Coming now to the consideration of the vindication of the Act as a proper exercise of the police power, we are of the opinion that it cannot be upheld. High wages do not necessarily tend to good morals, or the promotion of the general welfare. The standard of virtue and morality is no higher among the prosperous than among the poor. Their worth cannot be measured in dollars and cents, or promoted by a legal subsidy. Never have wages been so high as since the outbreak of the late war, and never in the history of the Republic has crime been so universal; and this condition, it must be conceded, has made a like unfavorable impression upon the morals of the people. A wage based upon competitive ability is just, and leads to frugality and honest industry, and inspires an ambition to attain the highest possible efficiency, while the equal wage paralyzes ambition and promotes prodigality and indolence. It takes away the strongest incentive to human labor, thrift and efficiency, and works injustice to employee and employer alike, thus affecting injuriously the whole social and industrial fabric. Experience has demonstrated that a fixed minimum wage means, in the last analysis, a fixed wage; since the employer, being compelled to advance some to a wage higher than their earning capacity, will, to equalize the cost of operation, lower the wage of the more competent to the common basis.

Where Judge Van Orsdel found the experience which demonstrated his contention he did not say. The governmental experience presented to him in the record proved quite the reverse.

Finally, however, the learned Justice came down to brass tacks. He stripped the case of legal refinement and told the Congress the kind of crime it was really committing.

> The tendency of the times to socialize property rights under the subterfuge of police regulation is dangerous, and if continued will prove destructive of our free institutions. It should be remembered that of the three fundamental principles which underlie government, and for which government exists—the protection of life, liberty and property,—the chief of these is property,—not that any amount of property is more valuable than the life or liberty of the citizen, but the history of civilization proves that when the citizen is deprived of the free use and enjoyment of his property, anarchy and revolution follow, and life and liberty are without protection.

Anarchy and revolution have not as yet followed the minimum wage in the thirteen states which have had it for years nor in Australia, New Zealand and Great Britain, where it has been in operation far longer. But talk of anarchy and revolution is, of course, silly. The legal situation is a simple one. The relationship of employer and employee is one recognized and protected by the law. The protection afforded often goes so far as to prohibit interference with the relationship by other laborers seeking to alter the conditions of employment or the wages in an industry. Such a case in the Supreme Court of the United States was *Hitchman Coal & Coke Co. v. Mitchell.* Even more recently the Supreme Court has decided that the legislature cannot diminish the protection which the law throws around the relationship by permitting picketing. The minimum wage law is simply the regulation by the legislature of the exercise of a right which it creates and protects. It imposes upon the relationship of employer and employee a certain minimum standard below which the right cannot be exercised. That the standard may reasonably be upheld is shown by the criticism of the Court of Appeals judgment by organs of such diverse opinion as the New York Times, the Hearst Press, the Boston Transcript and the New Republic.

The minimum wage case has now been appealed to the Supreme Court of the United States. Some years ago this court divided four to four on this question, Mr. Justice Brandeis being disqualified. Of these judges, Chief Justice White and Justices Clarke, Day and Pitney will not be on the bench when the present case comes up. There may be even more changes. This case will be the first to show the alignment of the new court. Verily, we have a government of laws and not of men.

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EDITORS
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Individuality Equality and Superiority

AN article entitled Mediocrity and Individuality pointed out that the current reception of the results of mental testing proves the extent to which we are given to judging and treating individuals not as individuals but as creatures of a class, a quantitative class which covers up truly individualized traits. Our mechanical, industrialized civilization is concerned with averages, with percents. The mental habit which reflects this social scene subordinates education and social arrangements to stratifications based on averaged gross inferiorities and superiorities. We accept standards of judging individuals which are based on the qualities of mind and character which win under existing social conditions conspicuous success. The "inferior" is the one who isn't calculated to "get on" in a society such as now exists. "Equals" are those who belong to a class formed by like chances of attaining recognition, position and wealth in present society.

This intellectual acceptance of standards for valuing individuals of a society which every candid mind admits to be lopsided and disordered gives occasion for a reexamination of the fundamental ideas of superiority and equality. What do these words mean? Professors have one measure of superior ability; captains of industry another. One class esteems aptitude for learning academic subjects; the other class appraises in terms of power in execution. Suppose that investigators and artists were so socially dominant that they were effectively articulate. Should we not then employ quite other standards of measurement? At present superior races are superior on the basis of their own conspicuous achievements. Inferior races are inferior because their successes lie in different directions, though possibly more artistic and civilized than our own.

Superiority and inferiority are meaningless words taken by themselves. They refer to some specific outcome. No one should use the words until he has asked himself and is ready to tell others: Superior and inferior in *what?* Is a student inferior for purposes of reciting lessons, of fitting into a school administration, of influencing companions, of "student activities" or what? Is an adult superior in money-making, in music, in chicanery and intrigue, in being a wise parent or good neighbor, as a homemaker, a chauffeur or a librarian, a congenial companion, a confidence man, an investigator of higher mathematics, an expert accountant, a tractable worker or a revolutionist, in writing acceptable movie scenarios or in research in the laboratory?

There are as many modes of superiority and inferiority as there are consequences to be attained and works to be accomplished. And until society becomes static new modes of activity are continually developing, each of which permits and exacts its own specific inferiorities and superiorities. There is doubtless some degree of correlation between traits which promote superiority in more than one direction. But the idea of abstract, universal superiority and inferiority is an absurdity. The current loose use of these conceptions suggests overcompensation on the part of those who assume that they belong to a superior class. It appears like an attempt to escape from the limitations and incapacities which we all know, subconsciously at least, that we possess.

When classifications are rigid, the quantitative, the more or less, phase of superiority is inevitably conspicuous. Castes are ranks or grades of superiority; within each caste the hierarchical order of higher and lower is repeated. The endeavor to discover abstract degrees of mental superiority which fit for "leadership" in the abstract is evidence of the hold upon us still exercised by feudal arrangements. Our new feudalism of the industrial life which ranks from the great financier through the captain of industry down to the unskilled laborer, revives and reenforces the feudal disposition to ignore individual capacity displayed in free or individualized pursuits. Sometimes in theory we conceive of every form of useful activity as on a level with every other as long as it really marks the performance of needed service. In these moments we also recognize in idea at least that there are an infinite number of forms of significant action. But these ideas are usually restricted to religiously accented moments. When it comes to "practical" matters, the very person who in his religious moods asserts the uniqueness of individuality and of opportunity for service falls back upon a restricted number of conventionally formulated and esteemed occupations and is content to grade persons in a quantitative comparative scale.

It was once supposed, at least by some, that the purpose of education, along with equipping students with some indispensable tools, was to discover and release individualized capacities so that they might make their own way with whatever of social change is involved in their operation. But now we welcome a procedure which under the title

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of science sinks the individual in a numerical class; judges him with reference to capacity to fit into a limited number of vocations ranked according to present business standards; assigns him to a predestined niche and thereby does whatever education can do to perpetuate the present order. The motto concerning genuinely individual distinctions is that of the tank corps. "Treat 'em rough"—except as they give promise of success in this or that established social classification. Otherwise, the person might grow up to be a conscientious objector or a social innovator, or be inclined to demand social recognition for activity in free scientific inquiry or in art or some other luxurious and ornamental calling.

The irony of the situation is that this course is usually taken in the name of aristocracy, even of intellectual aristocracy, and as part of an attack upon the tendencies of democracy to ignore individuality. It may be that the word democracy has become so intimately associated with a particular political order, that of general suffrage and elective officials, which does not work very satisfactorily, that it is impossible to recover its basic moral and ideal meaning. But the meaning remains whatever name is given it. It denotes faith in individuality, in uniquely distinctive qualities in each normal human being; faith in corresponding unique modes of activity that create new ends, with willing acceptance of the modifications of the established order entailed by the release of individualized capacities.

Democracy in this sense denotes, one may say, aristocracy carried to its limit. It is a claim that every human being as an individual may be the best for some particular purpose and hence be the most fitted to rule, to lead, in that specific respect. The habit of fixed and numerically limited classifications is the enemy alike of true aristocracy and true democracy. It is because our professed aristocrats surrender so gladly to the habit of quantitative or comparative classifications that it is easy to detect snobbery of greater or less refinement beneath their professed desire for a régime of distinction. For only the individual is ultimately distinctive; the rest is a matter of common qualities differing merely in degree. Even in the crudest pioneer democracy there was something more distinctive, more aristocratic, than in that smoothed-off communal worship of qualities belonging to certain classes which is characteristic of present day critics of democracy.

The most ardent of the early advocates of equality never fell into the stupidity of alleging that all persons are qualitatively alike. Rousseau was one of the first to insist upon natural differences, pyschological and physical. It was his profound conviction of the intensity and scope of these differences which made him so insistent upon political, legal and, within certain limits, economic equality. Otherwise some form of native superior energy would result in the enslavement of the masses, adding artificial enfeeblement to their natural deficiencies, while corrupting those of superior ability by giving them an artificial mastery of others and a cruel, contemptuous disregard for their welfare.

In our own earlier history, John Adams is perhaps the chief proponent of the unavoidable necessity of recognizing the aristocratic principle in politics because of inequality of natural endowments. But Adams was a realist. He did not assume that superiority of gifts meant intellectual superiority or that aristocracy in practice means the rule of the mentally and morally superior. He saw that the native superiorities which were bound in any political system to find outlet and to warp institutions to their ends are of indefinitely many kinds —power, power to command and influence the action of others, being their only common divisor. In his own realistic words: "Any aristocrat is any man who can command two votes, one besides his own." And this superior influence may be due, he points out, to virtue, talent or intrigue and debauchery; to loquacity or taciturnity, to frankness or reserve, to goodfellowship or fraud, violence and treachery, to deism or atheism. Powerful is as powerful does. Adams never fell into that mealy-mouthed sentimentalism of contemporary defenders of aristocracy who assume that native superiorities are all in the direction of talent and virtue, and inferiorities all in the opposite direction.

Thomas Jefferson is associated with the democratic school. But he writes to John Adams: "I agree with you that there is a natural aristocracy among men. . . . The natural aristocracy of virtue and talents is the most precious gift of nature. . . . That government is best which provides the most effectively for selection of these natural aristocrats into the offices of government." And he proceeds to state that the differences between Adams and himself concern the means which are best calculated to secure this result. Adams thought that some express and definite institution was necessary; Jefferson thought that such explicit recognition would encourage the "tinsel" aristocracy of wealth and birth at the expense of natural aristocracy; for the wealthy will manage to protect themselves anyway and need no artificial protection against the feebleness of the poor. Both agreed that equality is moral, a matter of justice socially secured, not of physical or psychological endowment.

No intelligent defender of democratic equality has ever believed anything else. Today he is not

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as sure as men were a century ago that any legal and political system can of itself prevent the untoward working of native differences of power. He sees very clearly that a régime of economic anarchy like the present overstimulates many of the least desirable forms of superior native power, and that the result overrides the legal and political bulwarks of moral equality. In consequence he sees that moral equality cannot be conceived on the basis of legal, political and economic arrangements. For all of these are bound to be classificatory; to be concerned with uniformities and statistical averages. Moral equality means incommensurability, the inapplicability of common and quantitative standards. It means intrinsic qualities which require unique opportunities and differential manifestation; superiority in finding a specific work to do, not in power for attaining ends common to a class of competitors, which is bound to result in putting a premium on mastery of others. Our best, almost our only, models of this kind of activity are found in art and science. There are indeed minor poets and painters and musicians. But the real standard of art is not comparative, but qualitative. Art is not greater and less, it is good or bad, sincere or spurious. Not many intellectual workers are called to be Aristotles or Newtons or Pasteurs or Einsteins. But every honest piece of inquiry is distinctive, individualized; it has its own incommensurable quality and performs its own unique service.

Upon reflection, however, it is apparent that there is something academic in confining the models of moral equality to art and intellectual pursuits. Direct personal relationships, the affections and services of human companionship are its most widespread and available manifestations. The snobbery of the snobbish, who call themselves aristocrats, is nowhere as evident as in their neglect of the superior gifts and attainments of the humble of the earth in these respects. No contact of this human sort is replaceable; with reference to it all are equal because all are incommensurable, infinite. Democracy will not be democracy until education makes it its chief concern to release distinctive aptitudes in art, thought and companionship. At present the intellectual obstacle in the way is the habit of classification and quantitative comparisons. Our pseudo-aristocrats with their flourishing of abstract and uniform superiority and inferiority are now the main defendants of a concept of classes which means only the mass divided into smaller portions. The democrat with his faith in moral equality is the representative of aristocracy made universal. His equality is that of distinction made universal.

JOHN DEWEY.

Rhapsody Over a Coffee Cup

IN the Graben the Holy Trinity soars from the marketplace on clouds of solid marble: the Son, stripped to bronze, graceful as some lesser divinity, with shoulders of sunbeaten gold, bears aloft the triumphant cross; God the Father, bearded in bronze, one divine bright thigh hung over the globe, sits on a broad bottom contemplating his potence; the Holy Spirit descends in the form of a white stone dove. Saints and angels, cribbed from Perugino and despoiled of their colors, stand below in androgynous adoration. The imperial donor kneels at the base in the stiff posture of a figure on a tomb, offering praises for the deliverance of Vienna from the plague of 1393. Putti ascend and descend indifferently, mute in stone.

But here in the Stadtpark one sits at tables painted a light green and regards the Pavilion. The sunlight is strained through leaves, the grass is green as in spring, the gravel appears newly washed by the rain. The orchestra plays and waiters bring from afar coffee, and pale and raspberry tinted ices. The heavy brown liquor is sweetened and covered with a foam of cream. A newsboy with a close-cropped, scurvy head edges his muddy-fringed and overpatched raggedness between the tables. On a bench under the linden trees, a square kerchief over the strings of her greasy hair, her brown hide wrinkled like a wrung-out scrubbing cloth, an old peasant sits heeding the violins. The American lady at my left, with the face like an unfortunate horse and the two agile palms, explains to her French companions that New York rises from the sea on clouds and the skyscrapers soar through forty flights of steel and concrete to achieve their name.

In Saint Stephan's, to the right of the altar, is the tomb of Rudolph IV, Duke of Austria. About the base, crocodiles with the dugs of bitches give suck to their crawling young, and dogs with the long lean tails of hairless rats commit obscenities among themselves. Armored reptiles are worried by hounds with webbed feet; lizards thrust their whiskered snouts under the tails of wingless griffons. All the grotesquery of some fourteenth century and very German Caillot is there, carved from the brain to adorn the rest of a Hapsburg.

On the steps of the bookstore opposite sits, and for three days now has sat, a young man with a brown-speckled, not unhandsome face, nursing his poverty. He neither moves nor begs, but sits, turning on passers-by his dark, hurt look, his dirty wool socks sliding over his cracked and leaky shoes.

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In a small hotel in the Mariahilferstrasse a diminutive English lady sits among her Baedekers. Last year she travelled through Spain with a courier, and saw Cordoba of the Moors and the bull-fighting at Madrid. This year she is touring the Tyrol, second class, with a handbag bought in Regent Street, an umbrella and an Italian grammar. She carries her meagre lunch in a reticule; her one regret is that the tea on the Austrian trains is invariably sweetened and her doctors have forbidden her sugar. Her hat is not what it was at all, and her rain-proof in covering her tiny body reveals her British soul. She wears two pairs of stockings, one of cotton and one of wool, to protect her from the insects. Her watch is secured to her purse by a safety-pin, and her pince-nez is forever on the point of falling. "There are so many Beauty Spots here," she says, "and now that I have seen all on the upper route, I shall return to Innsbruck by the lower, spending a day or two in each place. I shall never come back here again, and I know I could never again do it so cheaply. And there is so much to see in Vienna; I have a great fondness for pictures; I once spent two years in London just to do the museums and the galleries. If only my son were here I should be walking on clouds." Next winter she will spend in Florence in a pension near the Pitti Palace. She is well past the changes of the moon; they may yet build her tomb in the sands of Abyssinia. One remembers Lady Hester Stanhope and nods respectfully to the spirit of the British Empire.

But to the Stadtpart (here there being no tea) she will not come, as now this female buffoonery comes with the massive pomp of a pachyderm. Stiffened by an armor of stays, she trails the gravel with voluminous silks, twenty years old and the color of dead leaves. She lifts the nose of a Tiberius and surveys, unseeingly, the rabble; the emergence of her ponderous chin from the tulle folds of her boa is an event. Her veil of blond lace does not conceal the preciousness of her earrings. The Oberkellner comes tilting. Behind her trails an obscure, washed-out girl, her paid companion—Lunisequa attending the moon.

The orchestra plays Lehar; the young Viennese exquisite with his too-tight coat and his absurdly loose trousers leans on his cane and imagines himself another Anatole. A one-legged beggar in a grimy gray uniform of the Austrian Infantry hobbles at the edge of the crowd, receiving nearly valueless banknotes in a lousy cap. The music melts on the ear like some delicious rose-tinted ice on the tongue. The head-waiter's formerly satin lapels are creased and shiny like black leather.

In the Josefsplatz, before the old palace of the Hapsburgs, Joseph II, the unrenowned son of Maria Theresa, rides a slow pacing horse, laureled in black bronze—an Austrian imitation of a French imitation of a Roman Emperor. And the old palace is dingy and fine, with the sombre air of a fortress. But the new Hofburg of Francis Joseph turns in a semilune of white marble, shouldering a hundred columns. In the centre is a grandiose portico with a balustrade, where his gracious and imperial majesty was accustomed to display himself to his subjects. (The roadway is overgrown with clumps of grass, and in the entrance hall under the portico are packing boxes where food was lately handed to a breadline. But of that no matter.) It was the last project of a reign devoted almost entirely to building and the adornment of existing buildings with superfluous statues. This pink faced old man with the kindly sidewhiskers razed the walls of the inner city, erected showy palaces, baroque theatres, Grecian parliament buildings, Gothic cathedrals, museums and innumerable fountains. He had a touch of the Roman passion for aqueducts, and deflected the course of the Danube. He employed whole schools of sculptors, who filled the roofs of the city with athletes, centaurs, muses and victorious four-steeded chariots. He supplied the public squares with horse-trainers, generals and symbolic figures representing the four rivers of Austria. He made Vienna the third capital in Europe.

And yet, O Francis Joseph, Caesar and heir of all the tyrannies of the Hapsburgs, was it for the glory of Vienna that you spent so many taxes and put to labor so many men, or for the easement of your own heart? Your Empress was assassinated and your son died a not very noble death, alone. The Emperor Maximilian could not stand long against the Mexican wall after the bullets of the greasers, and the Archduke Ferdinand was, quaintly enough, murdered at Sarajevo. Augustus Caesar found Rome a city of brick and left it marble; and his daughter Julia committed adultery with a provincial.

John J. McNulty in a new straw hat and a slick business suit stands outside the Grand Hotel and orders a taxi. His bullneck grows thicker and his pink hair bristles and the sidewalk is astonished. Mr. McNulty prides himself that he can go anywhere in Europe and get anything he wants by shouting loudly enough and tipping lavishly enough. And why should he not shout loudly—is not man above all the other vertebrates? And why should he not tip lavishly—did he not this morning receive 53,000 kronen for every one of his good American dollars? He has just lunched on pâté de foie gras, filet de boeuf Bordelaise, pom-

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mes frites, savarin and Emmentaler; his bill, including a bottle of Château Palugyay, coffee and a cognac, amounted almost to two dollars. Now he would like a taxi and roars for it, and the sidewalk is mildly astonished.

In a not unfashionable street just beyond the Inner Stadt, lives a colonel of the late Imperial Army with his wife, his mother and his two small sons. They are now obliged to rent their available rooms, even to the former dining room, to passing foreigners. They employ one maid. Gretel is thirty-three; already she begins to call herself old; yet she will laugh or weep on the slightest provocation, like a child. Once an American lady offered to pay her passage to New York, but she could not well leave her mother who, at seventy-two, cannot hope much longer to support herself by washing clothes. Gretel's most luxurious memory is of a year spent in a public hospital; nothing pleases her more than to find someone to whom she can show her wound, counting the stitches. She rises at five, shines eighteen pairs of shoes, prepares the breakfasts of the guests, makes the beds and cleans the rooms, chops the wood for the fires, does the household laundry and assists with the cooking. For this she receives 20,000 kronen a month. When her last red apron wore out, she could not afford a new one. Lest she lose caste, for it is essential that aprons shall be red, she bought a white one and dyed it. The pound of sugar which she bought yesterday for her mother cost 31,000 kronen. At night she sleeps on a cot in a room too poor to let even to the most impecunious guest.

The orchestra in the Pavilion begins a waltz of Strauss's. The peasant girl with the crimson square over her gay flowered dress regards the exquisite with amorous slyness. The two American undergraduates, who came to Vienna seeking a cheaper Paris, absorb the table next to the elegant young Egyptian with the swart and pustular face. The sunlight turns the gendarme's sword to the thinnest of rapiers; the scarlet tabs of his collar add to the shoddiness of his uniform. On the gravel walk beyond the circle of tables, stand a man and a woman and a child, listening to the music. The woman's face has the vacuity of despair; the countenance of the man suffers stolidly, hopelessly, uncomprehendingly; the child's look has grown petulant with continued denials. Their expressions do not alter, nor do their eyes move, as they stand listening to the pretty music, sweet and gay as a colored ice, faintly stirring as the cream-coated coffee, light as the shadow of a cloud.

JOHN PEALE BISHOP.

Vienna, 1922.

A Reactionary for the Supreme Bench

THE appointment of Mr. Pierce Butler, St. Paul corporation lawyer, as Associate Justice of the Supreme Court to fill the vacancy caused by the resignation of Justice Day, has created a storm of protest from progressive elements in the Northwest, where Mr. Butler's record, views and temperament are generally well known.

No doubt it is typical of Mr. Harding's other appointments for the Court. But coming on the heels of a most vigorous protest by the people against the reactionary policies of the present administration, it is almost astonishing—particularly since the appointee is from a state which registered the outstanding progressive victory of the recent election by electing Henrik Shipstead to the United States Senate, running on the Farmer-Labor ticket in opposition to Senator Frank B. Kellogg, personal friend of the President and one who urged the appointment of Mr. Butler.

Who is Pierce Butler and why was he appointed? Mr. Butler, for twenty-five years, has been a corporation lawyer. He is regarded by many members of his own profession as the foremost railroad attorney not only in the Northwest but in the country. No one disputes his ability as an attorney. He gained his national reputation as a railroad lawyer by his handling of the famous Minnesota railroad rate cases in 1907, when he appeared as chief counsel for Northwestern railroads to combat the Minnesota rates. The case attracted nationwide attention, this being the first real test of the question of whether a state has the right to regulate intrastate rates. The case was won in the lower courts by the railroads, but the United States Supreme Court reversed the decision.

Prior to that time Mr. Butler's reputation as a corporation lawyer of ability was more than local. One of his first clients—which he has represented ever since—was the St. Paul Gas Light Company, a subsidiary of one of the large light and power trusts of the country. From 1899 to 1905 he was trial lawyer for the Chicago, St. Paul, Minneapolis

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and Omaha Railroad, and represented the Hill roads, the Great Northern, Northern Pacific and Burlington, in all their important litigation for many years. During the valuation hearings before the Interstate Commerce Commission in the proceedings which resulted in fixing the valuation of the roads at about $19,000,000,000, Mr. Butler represented practically all the western roads, and was one of the leading attorneys before the commission. It was this valuation, regarded by many experts as billions of dollars greater than the actual value of the roads, which formed the basis for fixing railroad rates by the Interstate Commerce Commission under the Esch-Cummins law.

Mr. Butler appeared in court on numerous occasions as counsel for corporations in litigation where the interests of the corporations were opposed to those of the people. He was attorney for the Minneapolis Gas Light Company in receivership proceedings in federal court when the receivership was used to get the case into federal court as a step for increased rates, which were obtained. He represented the St. Paul Gas Light Company also in a successful fight for increased rates. When the Minneapolis Steel and Machinery Company, a notorious labor-baiting corporation, contested an award made to their employees by the War Labor Board, Pierce Butler appeared as attorney to wage the fight against the workers. He conducted a similar fight for the gas companies of Minneapolis and St. Paul. Nash Brothers Produce Company, the largest produce concern in the Northwest, was represented by Mr. Butler to combat charges against the firm in North Dakota alleging violation of the anti-trust laws.

One of the most dubious cases in which Mr. Butler appeared as counsel for the defence was a suit brought by John Meintz, a farmer of Luverne, Minnesota, against thirty business men of that city growing out of a tar and feathering. Meintz, who was threatened because he helped finance a local Nonpartisan League newspaper, was taken from his home by the defendants, who then delivered him over to another group of men who did the dirty work. Mr. Butler presented a defence that the defendants in reality were friends of Meintz, and kidnapped him to prevent his falling into the hands of a group bent on bodily harm, a highly dubious defence. The jury, acting on instructions of the judge, found for the defendants. The case was appealed to the Circuit Court of Appeals, and the verdict in the lower court was set aside and a new trial ordered. The defendants since have settled for $8,000. Mr. Butler frequently represented the Minneapolis Street Railway Company and the St. Paul Street Railway Company. At present he is representing the Minneapolis company in an action brought by the city of Minneapolis to compel exposure of the expenditure of a slush fund alleged to have been used to obtain passage by the state legislature of the notorious Brooks-Coleman law which was sponsored by the street car company.

At rare intervals, Mr. Butler appeared apparently in opposition to corporations. He was special counsel engaged by the government in the famous but unsuccessful prosecution in 1910 of the Chicago meat packers. He represented the Canadian government in the valuation proceedings of the Grand Trunk Railroad. He is now engaged by the city of Toronto, Canada, in a dispute involving the valuation of street car properties which the city is about to purchase. It may, however, be a pure coincidence that the stock of the Twin City Rapid Transit Company, the parent company of the Minneapolis and St. Paul Street Railway Companies, is largely owned by Toronto capital.

A former associate of Butler's defends him thus: "Butler is a man of great ability. The railroads and corporations recognized his ability and naturally engaged him. His talents were for sale to the highest bidder, and the highest bidder always got them. It was purely a business matter. Of course, Butler has no patience with the radicals who are trying to change the laws and you can't blame him."

Mr. Butler is a comparatively young man, being fifty-six years old, and of vigorous health. Physically he is very powerful. In court he is a veritable bully, aggressive to the point of being insulting, unscrupulous, although he is not a lobbyist of the Daugherty type, and he handles witnesses with a ruthlessness seldom seen in court. Nominally, he is a Democrat, but that kind of Democrat who is agreeable to the reactionary Republican politicians. He is without question a reactionary of the most pronounced type, but the type of reactionary who fights his battles in the open and makes no bones about it. During the war he was a professional flag waver and ready, figuratively, to shoot the radicals at sunrise without a trial. He was a member of the group of the Minnesota State Bar Association generally given credit for being instrumental in obtaining passage of the vicious and infamous anti-sedition laws of the state, laws which were condemned by the New York State Bar Association, and which resulted in the imprisonment of Townley, Gilbert and other Nonpartisan League leaders.

The best insight into the real character and views of Pierce Butler, however, is afforded by his actions as a member of the Board of Regents of

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the University of Minnesota, which position he held for eighteen years. The policy of the board, it is generally admitted, reflected the policy of Mr. Butler, its outstanding and domineering character. As a member of the Board he was dominating because of his ruthlessness and force, and his actions showed that he is a man of strong hatreds, bigoted, a heresy hunter, intolerant and violently impatient with all forms of progressive thought. His policy was responsible during the war for the discharge on fictitious and absurd charges of several of the liberal professors of the university.

The discharge of William A. Schaper, classed as one of the ten leading authorities in the country on political science, after serving the university faithfully for more than fifteen years, without even the opportunity of a hearing, on a plainly trumped up charge of pro-Germanism, was typical of the Butler policy adopted by the board during the war. Professor Schaper was a strong advocate of municipal ownership, and framed a liberal franchise clause in a proposed home rule charter for Minneapolis which drew the fire of the corporations. The Labor Conciliation Board investigated the charges against Professor Schaper and recommended to the Board of Regents that they reconsider the matter. But Mr. Butler had acted, and when once he acts there is no turning back. He is a man not open to reason. This is the judicial temperament of the man appointed by the President as Associate Justice of the United States Supreme Court.

Stanley Rypins, professor of English literature; John Gray, professor of economics, who was engaged by the Interstate Commerce Commission as a valuation expert, and Gerhard Dietrichson, professor of chemistry, now connected with the University of Illinois, were among the victims of the Butler policy. Professor Rypins incurred the enmity of Mr. Butler by his connection with the Committee of 48, and Mr. Butler personally wrote the letter resulting in his resignation. Professor Gray was too liberal to suit the Butler taste, and Professor Dietrichson was of an altogether too independent mind.

In a sense, Mr. Butler personifies the great American sophistry—the land of equal opportunities where the child of the humble and poor may rise to become President, or to some other exalted position. He was born in a log cabin near Northfield, Minnesota, of pioneering Irish parents, and he knows what it is to work. The masses, however, can derive very little comfort from that fact. He is a millionaire, or nearly so, and has the point of view of the man of great wealth and the belief in the right to rule that goes with wealth.

ABRAHAM I. HARRIS.

A New Constitution for Illinois

ON December 12th the people of Illinois will vote on a new constitution; whether they will vote it up or down is a question which is asked in Chicago with more curiosity than excitement. As usual, the opponents are more vociferous than the friends, and the attacks come from many quarters; were the contest to be decided by the city alone, the outlook might be considered dark (the city council has just voted 50 to 6 against the constitution); but with all down-state to be heard from, the issue hangs in the balance.

The present constitution dates from 1870 and is by no means an altogether antiquated instrument; but some of its clauses, chiefly because they were too rigidly drawn, needed amendment badly, and the amending process was so difficult that various attempts at amendment had failed. So the people voted for a revision and elected a convention. The convention was a relatively high grade body of men, including leaders of the bar and men prominent in business; a body of slightly lower grade might have been more representative, and perhaps in some respects politically wiser. The delegates labored faithfully and certainly labored long, sitting intermittently for nearly three years; and the instrument which they finally produced represents a very fair type of a conservative constitution, seeking honest solutions of difficult problems, and improving the present basic law in a number of important particulars.

Great economic issues were conspicuous by their absence; labor was little discussed, railroads (which overshadowed the convention of 1869-70) hardly at all; the main problems where political, administrative and financial.

One of the political issues has left no trace in the completed instrument: initiative and referendum were rejected. An optional referendum might not have been considered objectionable; but "I. & R." seem to go together like Siamese twins, and the convention did not like the Initiative. From the point of view of good government, it is easy to share the dislike; but a great many people

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think they want the Initiative; and their not getting it is a factor that counts against the constitution.

The most bitterly contested issue was that of representation in the General Assembly. "Down state" feared that with the continuing growth of Chicago the city in a decade or two might come to dominate the state. As a matter of political principle a good deal can be said for an arrangement which will prevent a great metropolitan community from getting control of all the branches of government. Acres and square miles as well as human individuals go to make up the state, and the background of the land should be an element in the reaching of political decisions. The argument gains in strength if it does not involve a surrender of the majority to the minority. The two chamber system naturally lends itself to compromise, a compromise still favorable to the numerical principle, since the governor is elected on a pure population basis. In the American states the senate is generally constituted at least to some extent upon a territorial basis; and in a number of states the representation of the metropolis is permanently limited.

For a long time the down state members stood out for a limitation in both houses, the Chicago and Cook County members for no limitation in either. This was natural, but it led nowhere; repeatedly it looked as though the convention would break upon the question, and its protracted duration was largely due to this difficulty. A compromise was finally reached, whereby the House was to continue on a population basis, while in the Senate Cook County (including Chicago) is to be limited to 19 out of 57 members. It was either this or the abandonment of the entire Revision. The situation was further affected by the fact that with a continuance of the present constitution Chicago cannot get its quota of representatives; for both in 1911 and in 1921 the legislature refused to reapportion the state, which would have forced a recognition of the city's growth, and there is no power to compel action in 1931. The new constitution provides for executive reapportionment upon failure of the general assembly to act. No new constitution is possible without compromises on major as well as minor points; from a larger political point of view this one does not even involve a sacrifice of principle; but "robbing the people of Chicago of their birthright" is an effective campaign cry, and it will lose thousands of votes in the city. However, this may be offset by corresponding gains down state.

Somewhat connected with the matter of representation is that of home rule, for the inability to control the legislature will be less significant if the city can manage its own affairs. Briefly stated, Chicago is given full self-government, subject, so far as powers are concerned, to statutory prohibitions applying to the entire state, but in the matter of organization with liberty to override state laws, and to consolidate the various taxing bodies now competing with the city. The right of the city to own and operate public utilities is recognized, and with regard to water and transportation it is made effective by the grant of an unlimited bonding power, subject to the obligation to operate on a self-sustaining basis. What the city did not get was power to fix its own tax rate and debt limit, or power to control the rates of privately owned local utilities, i. e. immunity from state commission regulation. These refusals were due to the conservatism of the city's own delegates in the convention, and merely continue the traditional policy of the state, as well as of all other states. Financial independence may be logically a part of home rule, but it would be a new and precarious gift; apart from it, the city gets all the home rule that can be granted without disintegrating the state government. But to many home rulers the only things that count are the things the city did not get, and this part of the constitution has failed to placate those who smart under the reduction of the representation.

There are important changes in the organization of the judiciary. Their main political interest lies in the increase of the powers to the Supreme Court. That court will appoint all intermediate appellate judges; it will control by service assignments and otherwise the administative arrangements of the consolidated court of Cook County; it will appoint its own clerk (now elected), and it will have a rule-making power subject only to a qualified legislative veto. There is some question whether the exclusive rule making power will not greatly embarrass ordinary legislation; but that is a technical matter. Labor fears that some judicial powers which it now abhors may be strengthened and placed beyond popular control. It is also charged that the Supreme Court by its large powers over personnel will be enabled to build up a powerful machine, and that it will thereby be thrown inevitably into politics. If this latter apprehension is unfounded, the new constitution marks a great improvement in judical organization; but the political implications cannot be ignored, and they will have some weight at the election.

The revenue article permits an income tax. It

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is clumsily worked out and not readily understood. The outstanding features are that the permissible exemptions are low, and that progression is limited so that the highest rate can never be more than three times the lowest rate. Admirable from the lofty point of view of approximate equality of public rights and public burdens, but a red rag to those who look upon our economic system as one of exploitation of the mass of the people by the rich. There is little doubt that the proposed provisions are too rigid, and if adopted they will probably not stand for long without change. It is difficult to say how any agreement could have been reached on any plan both definite and positive, and also satisfactory. The provisions should be compared with that we have: personal property taxation in theory confiscatory, but in practice made relatively light by rough administrative equity and favor, a system Oriental in spirit —but people seem to like it for that very reason. The revenue plank will not greatly help to carry the ship into port.

There are a number of minor changes, which are made points of attack; a slight alteration in the bail provision, which may be construed as reducing the constitutional guaranty; and a provision, inserted for the purpose of nullifying a court interpretation, permitting the Bible to be read in public schools without comment. It is quite obvious that in so far as these changes will affect votes at all, they will do so adversely.

The whole situation illustrates the working of the constitutional referendum; present to the people a comprehensive and lengthy instrument, and even the intelligent citizen will consider it his sovereign prerogative to vote "no" because this or that provision is distasteful to him. As one of a hundred legislators he would know that there can be no law-making without compromise, and would act accordingly; as one of a million he acts largely on prejudice and impulse, and, at best, as if an honest impression was a sufficient warrant for an adverse vote. Perhaps the "fifty-lines" constitution, often urged as a counsel of perfection, may again become a counsel of political wisdom. Or constitutional conventions will have to do what Ohio and Massachuseetts did, submit separate proposals. The proposed constitution is better than the one we have. It is not as good as many good people (the writer being among them) think they could have produced. But if any one wants a new constitution, the only valid reason for voting against this one is the hope of getting something more radical drafted and carried in the not too distant future.

ERNST FREUND.

After-Dinner Autobiography

The Print of my Remembrance, by Augustus Thomas. New York: Charles Scribner's Sons. $4.00.

UNDER the charm of the friendly and clear and amiable and anecdotal I read straight to the end of Mr. Augustus Thomas' near five hundred pages. We begin with the boy in St. Louis, with rumors of the Civil War, with that delightful grandmother, that fine, gentle father and his half practical, half visionary shrewdness; we hear of the job on the railroads, the service in Washington as page to the Hall of Representatives, the return to St. Louis, to amateur theatricals, and dreams of the arts, of poetry, the theatre. And as years pass there come the adventures with road companies, the friends, the flights in authorship; and then New York, and actors and managers, Maurice Barrymore, Julia Marlowe, Charles Frohman and a hundred others; and the success of Arizona, the triumphs of The Earl of Pawtucket with Mr. Lawrence D'Orsay in it. And finally we have chapters on travels, on life in Paris, on sources of inspiration, on The Witching Hour, and on influences, books and men.

About the whole book there is first of all a kind of sanity, a certain well-aired and healthy view of life—though life seen from the big end of the horn, from an assured success. The temperament revealed is balanced, intelligent and lovable. The natural affections appear simply and gently and often tenderly expressed. The memory for past fashions and movements is lively. The theatrical sidelights are both informing and diverting; the record of by-gone days and once famous idols is rich with fading tradition. And then when I have got all this, there comes all of a sudden the realization that I have been reading the autobiography of a worker in art.

With this realization I have a rush of amazing instances out of the book. There were indeed hints of young dreams, dreams of being an author, an artist, a player. There are accounts of plays, how they originated, how they went off when the public had a chance at them. But so far as one can see, these were the droll high hopes of a lad. These plays had no inner necessity for coming to life. There was no struggle and no darkness behind them. They had no urgency, no fling of the spirit; they are not dear to their creator, they are not his children. Plato wrote of the artist's creations once. "And everyone," he said," who considers what posterity Homer and Hesiod, and the other great poets, have left behind them, the sources of their own immortal memory and renown, or what children of his soul Lycurgus has appointed to be the guardians, not only of Lacedaemon but of all Greece; or what an illustrious progeny of laws Solon has produced, and how many admirable achievements men have left as pledges of that love which subsisted between them and the beautiful, would choose rather to be the parent of such children than those in a human shape." Evidently Plato liked to hear himself talk.

No, when the dramatic urge arises in one's breast, what happens might be this; you hear that Mamie Miles, who is a capital actress and whose wink became famous from coast to coast in the eighties, needs a play; perhaps her manager, impersonating the muse, comes to you. So you get a pot of coffee and shut yourself up in a hotel room and write the play. Or you get interested in the popular interest in some question and you make a play out of it that the public wants. This play runs two years; that is the way you describe the result of your creation. Or you take

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it to Charles Frohman: "Altogether I read or proposed many plays to Charles Frohman. Some were accepted, many were refused, both in script and in projected story. Charley one day said to me: 'It's always a great pleasure to refuse a play of yours, because it seems to get the thing off your mind, and then we have an interesting conversation.' For my own part, as I look back, I can add that the pleasure was not altogether one-sided, because Charley never refused a play or a story without proposing some project for another one." What a comment on the theory one hears sometimes of the creative necessity behind the artist's mind!

The solution of all this might be that we are dealing not with an artist but only with a craftsman. But the fact is the author of Arizona, The Earl of Pawtucket, The Witching Hour has no such negligible talent. These plays have a plot interest, they have animation, and a much more than average excellence in combined idea, character and stage device. They may not be the greatest drama, but I cannot imagine a man setting about them as if he were getting up a real-estate scheme on Long Island. And yet Mr. Thomas may modestly think of himself as a mere craftsman and so write modestly.

Or the solution of Mr. Thomas' attitude toward the life of his art may arise from some notion of art as a healthy thing of the people and nothing to be special about. A notion of art as a matter of what comes up to do, of watching the air for a job. That is partly true, but it is stupid or deceiving not to add that the artist's own relation to the matter is the mysterious source of whatever living creation he achieves. Making art easy for democracy cannot be done by pretending that it is merely a case of supply and demand and wits, though that might be a pat, fat, and comforting theory to go upon. An artist is like every man indeed. But the appalling truth is that the artist is more deeply like the man than the man himself can ever be.

Or is this a mere racial shyness on Mr. Thomas' part, an emotional modesty? Or is it the instinctive avoidance of the artist pose and all its shrewd and sloppy nonsense and bad taste? Perhaps it is both. But under such headings how shall we dispose of the tone of Mr. Thomas' many allusions to people in the various arts, to Clyde Fitch say, or Frederic Remington, Julia Marlowe, to the Barrymores and O'Neills, fathers and sons, to Charles Dana Gibson, Della Fox, John Fox, Lily Fox and Lillian Russell? They are all presented to the company of readers with the same level of praise: there is So and So the excellent actress or the well-known writer, and So and So the talented son of a talented father or the beautiful daughter of a beautiful mother; there is something that calls for So and So's brush or So and So's pen—as if we had no grades in art, no caricature, no prostitution, no precious sincerity and distinction. As if one were speaking at a great dinner, amiably, offending none, were making no illuminating and therefore in some quarters devastating point, were including numerous of those present with gracious bows and references to them. In Mr. Augustus Thomas has the accumulation of a very interesting and happily digested lifetime been spoiled by a malady of after-dinnerism? Or fine fellowism? Or is this lack of all artistic comment or meaning or significance or theory, so far the art of the theatre goes, in this hearty and entertaining book by the dean of the American theatre, an instinctive and winning concession to a democratic middle-class insistence that there shall be no eminence, no emerging from the mass except on its own terms? Or what is it that keeps Mr. Augustus Thomas from telling us more of what he knows so well and we should like to hear? STARK YOUNG.

CORRESPONDENCE

In Justice to the Indians

SIR: When legislation affecting the Pueblo Indians of New Mexico has been introduced in Congress by a Senator from that state, with the alleged support of the Indians and apparent approval of the Indian Office; when it has been briefly questioned by Senator Borah and then accepted by the Senate unanimously, the American public might suppose the legislation known as the Bursum Indian bill to be an act dealing justly with the Indians and bringing credit to the state and the nation responsibly concerned. As it happens, the American public would be deceived. The bill, which has passed a misinformed Senate and is now before the House, is grossly unjust to the Indians, violates every official protestation that the government is their protector, and is, moreover, in such imminence of becoming law that only that vaguely accessible power, the public, can prevent a great wrong.

The Indians, helpless politically, have issued, with one voice from all the pueblos, a dignified but moving manifesto, asking fair play. Adding our voice to theirs in this emergency, we, the undersigned, who have had an opportunity to study conditions among the villages and to understand the faithless provisions of the projected law, and who intend doing our best to expose the facts, call upon the American people to protest immediately against the impending Bursum Indian bill, whether in its present form or with disingenuous amendments. We ask this for the sake of the Pueblos who, though probably the most industrious and deserving of all our Indian wards, are now threatened with the loss of their lands and of their community existence. We ask it even more for the sake of Americans themselves, as a test of national honor.

F. G. APPLEGATE
MARY AUSTIN
JOZEF BAKOS
RUTH LAUGHLIN BARKER
GUSTAVE BAUMAN
E. L. BLUMENSCHEIN
WITTER BYNNER
GERALD CASSIDY
INA SIZER CASSIDY
JOHN COLLIER
ALICE CORBIN
RANDALL DAVEY
FREMONT ELLIS
CHARLES K. FIELD
LEON GASPARD
STEPHEN GRAHAM
ZANE GREY
WILLIAM PENHALLOW HENDERSON
ROBERT HENRI
VICTOR HIGGINS
DANA JOHNSON
C. GRANT LA FARGE
D. H. LAWRENCE
RALPH MEYERS
HARRIET MONROE
WILLARD NASH
B. J. O. NORDFELDT
MRS. FREMONT OLDER
ELSIE CLEWS PARSONS
SHELDON PARSONS
B. G. PHILLIPS
WARREN E. ROLLINS
OLIVE RUSH
CARL SANDBURG
LEW SARETT
ELIZABETH SHEPLEY SERGEANT
J. H. SHARP
WILL SHUSTER
JOHN SLOAN
PROF. FREDERICK STARR
MABEL STERNE
WALTER UFER
CARLOS VIERRA
HARRIET WELLES
STEWART EDWARD WHITE
WILLIAM ALLEN WHITE
CHARLES ERSKINE SCOTT WOOD

Conrad Aiken's Review

SIR: Perhaps some of your readers, after reading the scolding review by Conrad Aiken of Robert Graves's little book, On English Poetry, might care to hear another and different opinion. If so, I offer mine.

The book is not merely the best contribution so far made to the study of the processes involved in artistic creation, it is the only book which deals with that subject both from intimate personal knowledge of those processes, and in the light of the most modern scientific knowledge of psychology. It will, I think, be found of the first importance by all serious students of the subject, and it should prove stimulating and enlightening to any creative artist. Mr. Aiken, in his review, denounced the book as "pompous" and "fatuous." I do not think it is either, but I regard Mr. Aiken's review as both. However, in a discussion of such a subject, wouldn't it be better if we all kept our tempers —and if the New Republic, in its book-review columns, set its correspondents the good example? FLOYD DELL.

Croton-on-Hudson, New York.

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A Nietzsche Gesellschaft

SIR: Possibly a few of your readers—a very few, I fear, so little is the real Nietzsche known in our country—will be interested to hear that a Nietzsche-Gesellschaft has recently been formed in Germany, with headquarters in Munich (Schackstrasse, 4-4) and having among its Vorstand Thomas Mann and Hugo von Hofmannsthal. Of interest to liberals is the emphasis put (in a circular that has just reached me) on Nietzsche's "good-European" standpoint—his independence of the ordinarily political, i. e. nationalistic, not to say imperialistic, movements of the day. What alone interested him, so far as politics was concerned, he once said, was a "united Europe," even speaking formally of "the United States of Europe." To him the current nationalistic patriotism was a "névrose nationale"—the greatest enemy of culture, in the higher sense, that exists. He was as critical of the new German nationalism (after 1870) as of any other. It is plain that a Nietzsche-Gesellschaft, if animated with a spirit like this, must work for better things, a better mind, in Germany—and in Europe generally, so far as its influence extends—and it distinctly expects an international membership, including even America. WILLIAM M. SALTER.

Washington, D. C.

On a Certain Condescension in Americans

SIR: It was but yesterday that I came upon a group of Americans, from the States, standing in front of the shop window of a Sicilian bookseller, and wondering what extraordinary circumstances could have brought there Paul Shorey's Assault on Humanism and Conrad Aiken's poems. It is rather the way of our American visitors, bless them, to believe that prim old Europe does not appreciate fully their interesting literature. This makes them turn a condescending eye on their poor friends in Italy. Poor, there is no way of denying the fact, but not wanting knowledge or taste. Of our regard for American literature bear witness the essays published by our leading reviews, the accurate translations of your masterpieces, and the favor which the American-Italian library, founded in Rome, is meeting with in every circle. None the less our knowledge of American literature is believed to be confined to Longfellow's village smithy, beneath the spreading, familiar chestnut-tree, or to the shrewd activity of Nick Carter, the detective. Professor K. Mackenzie told us almost as much, last February, in one of the two lectures he delivered at the University of Palermo. He started with the Pilgrim Fathers in his first lesson, while in the next he gave us a general account of Hawthorne's and Poe's works. We all felt that the distinguished professor from the University of Illinois, whose lectures have just been issued in Italy in book form, supposed that we only dimly knew about Donatello and the Marble Faun, and the grim bird made famous by Edgar Poe, to say nothing of the self-exiled Puritans. I am sure that Professor Mackenzie must have been agreeably surprised, on his official tournée through our universities, to find that Italians *do* appreciate American literature, not as an occasional branch of British literature, but for its own peculiar freshness of vision and original vigor, almost unknown to this weary world of ours. I may be justified in affirming that no field of knowledge plowed by the American scholar has remained unknown to us, in spite of the difficulty of getting books at the prevailing high rate of exchange. No name, from Emerson and his circle, down to those who today debate the Freudian principles—from Washington Irving to Josh Billings—from Poe and Walt Whitman and Lanier to such moderns as Carl Sandburg—no name, I say, is utterly unknown to the majority of well-read Italians. Allow me to add that, on the golden field of knowledge, we are entitled to stand side by side. Let me express the wish that the modern literature of Italy may become as familiar to the American people as the literature of America is dear to her Italian friends. A. BENEDETTI.

The University of Palermo.

Help for a Young German Author

SIR: I am just in receipt of a letter from one of the younger German authors, in which he appeals for immediate assistance to enable him to go on living. He has been subsisting for months on a diet of bread and coffee substitute. He is at the end of his resources. "I beg you," he writes, "help me, that I may not perish. . . . I am at the end of my strength." Such assistance as I am able to render is inadequate. I am sending you the man's name and address, which for the sake of his dignity I beg you not to publish. Will you not forward to him the contributions which your readers may send?

BABETTE DEUTSCH.

[The New Republic will be glad to forward any sums entrusted to it for this purpose.—THE EDITORS.]

Yereb Remains in America

SIR: The other day I received a wire from Edward J. Henning, Assistant Secretary of Labor, stating that John Yereb will be admitted to America and further investigation made concerning his citizenship. His deportation has been stayed, very likely prevented, and no one deserves more praise than your fine and constructive journal. I am sure that the splendid publicity which you gave through your columns must have aided in furthering the ends of justice, so that this unfortunate man and his wife and child might be reunited. More power to you.

Oakland, California. (Rabbi) RUDOLPH COFFEE.

Education in China

SIR: I am wondering if you have seen the report of the Educational Commission recently returned from China? Aside from Bertrand Russell's article in The Dial on one aspect of one phase (!) of higher education in government schools, and an over-condensed article on education in the recent China number of the Nation, little attention has been given this central problem in China's development—even by John Dewey. It deserves more. The above report represents the liberal wing of Protestant Missions where modern education in China originated. It is: Christian Education in China, published by the Committee of Reference and Counsel of the Foreign Missions Conference of America, 25 Madison Avenue, New York City. Dutton has the manuscript of a separate book by one of the liberals on the same general subject, James B. Webster of Shanghai College being the author. MAURICE T. PRICE.

Shanghai, China.

Federal Enforcement of Prohibition

SIR: I confess to vagueness as to what I think about prohibition—though my inclination is to share Mr. Felix Frankfurter's preference for a civilization without its flatness. I share the concern of the New Republic and Mr. Fabian Franklin at the demoralization incident to non-enforcement. But the proposal to leave local enforcement exclusively to local authorities (in which Mr. Frankfurter in your issue of November 15th supports the New Republic) leaves me shocked and dazed.

"The historic and intrinsic allotment of authority between federal and state action," says Mr. Frankfurter, "furnishes the basis of responsibility for enforcement of the Eighteenth Amendment." Is not this pure legalism? Can anything be said in favor of this allotment of authority except that it is "historic"? Has it not throughout our history resulted in diffused incompetence and dis-focus of responsibility? Compare our statistics of crime and punishment with those of any country in western Europe in which the police power is centralized. WALTER NELLES.

New York City.

The Christian Register and the Near East

SIR: Mr. Norman Thomas gets the Register wrong when he says this paper was for rushing to war in the recent Near East excitement. What we were for was quite the opposite of war. We warned our readers of the danger of being swallowed up in a war because of the conflicting interests of the so-called Christian nations in relation to Turkey. We argued that the crisis illustrated the need of America in the councils of the world. Because she is the oldest, most stable government, and least involved, morally, in the Near East, she ought to do her duty and make her righteousness count. We believe America with a mandate in Armenia would have made the dreadful situation virtually impossible.

ALBERT C. DIEFFENBACH, *Editor.*

The Christian Register, Boston, Massachusetts.

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New Churches for Old

New Churches for Old: A Plea for Community Religion, by John Haynes Holmes. New York: Dodd, Mead & Company. $2.00.

IT is late to review Mr. Holmes's book, which deserves a prompt as well as a full notice. It has a certain volume and humanity, a generous and powerful impulse sweeping through it which are unforgetable. Much of its criticism of the existing "churches" is just, not least the charge of a half-hearted allegiance to humanity and democracy. His intense sense of the effect of the industrial and intellectual revolutions on the popular attitude toward religion is not essentially exaggerated, though their logical effect on religion itself I think he misconceives. The truth is that the book contains so much that is invaluable and refreshing that it is no congenial task to suggest deficiencies in its thought.

To the great majority who do not know just what is meant by a Community Church the book will bring the revelation of a striking idea. Mr. Holmes's thought is that the Christian communions are anti-social, in that they divide the people instead of uniting them, keep them in more or less tight compartments of thought, feeling and weekly assemblage. An ordinary church stands for a "truth" and collects people as it can. According to Mr. Holmes it should stand for the whole community where it is placed and collect truths as it can.

> The Community Church unites people on a Sunday morning, instead of dividing them. The single church in the small community, or the many churches in the many neighborhoods of the large community, will gather together all of the people within their districts and lead them in a great act of spiritual communion one with another. I know of one Community Church, already established in a little town, which comprises within its membership ninety percent of the inhabitants of that town. These people represent no less than thirteen different denominations; and under ordinary circumstances would divide themselves up on a Sunday morning into thirteen different congregations. But in this town, these people all come together in the one place, for a common act of dedication to the best and the highest that they know. Ninety percent of the population of this community is assembled, or represented, in the Community Church on every Sunday morning. They do regularly together as a matter of course, what the citizens of other communities do only by a great effort at a union service on Thanksgiving Day or a patriotic assembly on the Fourth of July. Sunday, in other words, is the community day. The Sunday morning service is the weekly gathering in consecration of the community life. The Community Church, in its work, will hallow this day and this service; and as the Community Church movement develops throughout the country, it will become the great occasion for the expression of the democratic idealism of America.

It will have no creed, but a "forum" and lectures to bring all ideas before it and it will treat with respect all ideas sincerely held. "The church, may we not say, will be a forum worshipping; and the forum will be a church debating." The Church will carry on personal ministration, religious education, spiritual counsel and advice.

This sketch of plan is introduced by seven vigorous chapters on The Collapse of the Churches, Denominationalism, Religion Outside the Churches, New Basis of Religion, etc. The community church is not to have any creed, but as here presented to us, it is framed and founded in a definite philosophy of history, of knowledge, of democracy; sociology has taken the place of theology and religious education is to pronounce unnecessary the traditional studies of the Bible and "ecclesiastical virtues." It is indeed impossible to be so ardent and so militant a leader as Mr. Holmes and not to identify the Church with a definite intellectual position. The community church as he presents it has a social and moral creed and theological negations just as definite and disputable as the creeds he would discard.

Mr. Holmes has a tendency to project his own state of mind outside him and see it as the state of the world. His whole program supposes that multitudes will as groups cease to cherish their conception of God and their familiar ways of worshipping Him, associate religiously with the denying and the indifferent and accept a religion with lectures but without prayer. It is clear that common prayer cannot survive if no disputed religious propositions are assumed. To condemn all who would worship in a certain manner for assembling for that purpose, inviting but not compelling others to join them (which is the present situation) is simply to strike a blow at liberty. The blow is dealt in the name of fraternity. It is not the first time that the old "ideas of the revolution" have fought with each other. Moreover, religion has always professed to bring something to the people—to bring them a truth; it has not come to them empty-handed and asked them for contributions to truth. It has not summoned the community simply to unite; it has summoned it to unite in the recognition of a power that can aid and regenerate it. History and anthropology see religion not as a mere devotion to the community, but as devotion to a superhuman object. Religion is never merely the life of service, else it could not be the most potent of reinforcements to that life. Religion is prayer. That is not an exact or complete definition but it is a rough indication of its essence. Religion means the invoking of a power not ourselves to help us toward our goal. The fact that so many Christians have a hollow and conventional or distorted religion does not alter the nature and principles of the Christion religion itself.

Further, Mr. Holmes, who preaches New Churches for Old, has a tendency to be captured by whatsoever things are new. He surrenders to the intellectual fashions of the moment. "We do not expect men today to light their houses by rushlight, to travel in stage coaches or on horseback, to converse in Latin, to live in the thought-world of Plato or Kant or even Herbert Spencer." How can persons "now sitting at the feet of Bergson and Einstein" be expected to give attention to the doctrines of the church? That is, the advance of philosophy is like that of mechanical invention and the fatal charge against Spencer is that he is out of date whilst M. Bergson must be the latest improvement. The truth is that M. Bergson, who as a lay speculator upon evolution unconsciously hiding the essential vagueness of his thought behind an elaborate citation of facts, bears a striking resemblance to Herbert Spencer, really represents a relapse to the thought of three hundred years ago. How delicious is the picture of wide-awake young men rejecting all forms of "old" religion to receive spiritual sustenance and solace at the feet of Professor Einstein! Apparently they are not wide awake enough to see the difference between religion and

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metaphysical physics. Mr. Holmes has a somewhat crude notion of what constitutes progress. He has a lively temptation to throw upon the scrapheap all that is not new, failing to perceive that progress grows out of the acquisitions we already have made and that there is no incompatibility between getting all you can and keeping what you have. He fails in particular to see that civilization absolutely depends upon a common tradition, by which each man can count upon certain responses in every other, and that social religion, which he so peculiarly prizes, depends similarly for the full development of its capacities upon a common faith. He forgets it, and yet he really assumes that the Community Churches are to have a common faith, positive and negative, as the basis of their democratic religion. He neglects the fact of "the development of doctrine," namely, that new situations, social and intellectual, call out the resources of meaning in the old faith, not only in its basal commandment of love but in its theological conceptions. This is not "reinterpretation," or giving a new meaning to old terms: it is more complete interpretation, bringing out more fully what is profound and essential, an interpretation based on a more thorough understanding of the faith interpreted and the human history through which it has lived.

Along with Mr. Holmes's somewhat superficial modernism goes what may be called publicism. He is surely right —and brilliantly right—in arguing that character and spiritual life are intimately dependent on the environment in which men find themselves, that it is blindness to appeal to character without setting to work to reshape that environment, that thus problems of society and institutions cannot be waved aside or postponed. His pages upon this are amongst the best in his book. Unhappily, he is, at this piont also, carried away and makes public problems everything. "The problem of morals today is the problem of commercialized vice, corrupt politics, selfish business, inequitable taxation, labor, capital, imperialism and war." Yes, these are vital problems of morals today, but it is no aid in solving them to forget the purely personal problem of the control of impulsive thinking, the setting of intellectual conscience and the inexorable rules of evidence above the preferences and prejudices of party and school. Liberalism and radicalism give us as depressing exhibitions of prejudice and headlong conclusion as does conservatism. Moreover, to fancy that the solution of public problems will remove the problems of strained relations, of the disappointments of life, of irritable instincts, of the fluctuations of mood and the precarious peace of the soul is to be strangely blinded by a preoccupation. This drowning of the soul in sociology only carries a step further the tendencies of unitarianism from which Mr. Holmes emerged. Even deeper in unitarianism than its theology has been its disbelief in any inherent evil in human nature and its consequent tendency to look for regeneration to the removal of obstacles, the improvement of social conditions. Admirable impulse, but partial, failing to meet the whole need.

The inevitable result of the attitude taken is that the new church becomes one more communion on the same footing with the others, finding a constituency that sufficiently shares its standpoint, and like many another communion, cherishing an aim and claim wider than it can visibly realize. But the aim and claim are impressive and noble, and the breadth of humanity behind them is a contribution of great price to the better forces of the time.

DICKINSON S. MILLER.

The Story of Utopias

The Story of Utopias, by Lewis Mumford. New York: Boni and Liveright. $3.00.

IT was a happy inspiration which led Mr. Mumford to write The Story of Utopias. The suggestion perhaps came to him from the Story of Mankind in which Mr. Van Loon, who writes the introduction to the present volume, undertook to win back history from its submission to science, and its prostitution to nationalist propaganda, to the service of creating a comprehensible and usable past for humanity. In that past the story of man's thought is as important as the story of his action, ideas are the equivalent of facts. Indeed they are more important. As Mr. Mumford points out "the belief that the world was flat was once upon a time more important than the fact that it is round." Particularly is this true of those projects in which man has formulated his hopes and dreams of a better world, those pathetic and generous efforts "to grasp this sorry scheme of things" in order to "remold it nearer to the heart's desire." These utopias or entopias which rise above the sea of man's discontent like lighthouses, from Plato to Walter Rathenau, are the greatest documents of history. They deserve a story of their own, and in Mr. Mumford they have found a chronicler with ideal qualifications, intelligent, sympathetic, highminded.

In the early chapters of the book Mr. Mumford sketches the outlines of the great utopias of classic, renaissance and modern times. He dwells lovingly on that first projection of the good state in the morning of the world, Plato's Republic; and its most brilliant reflection in the years when the world was young again with a new birth, More's Utopia. He dismisses with perhaps a too contemptuous gesture the utopias of Renaissance learning and science, Bacon's and Campanella's. He rescues for most of us, the Christianopolis of Johann Andreae, that characteristic product of Christian humanism, pointing out one significant difference between it and The Republic. In the latter it was the business of the Guardian "to manufacture liberty"; in Christianopolis, "the citizens of the quarter came together as often as required to act on sacred as well as civil matters. It is plain that these workers are not sheep led by wise shepherds, as in The Republic, but the members of autonomous, self-regulating groups." He proceeds with the mechanical utopias of the industrial age, "which do not so much criticize the goods of their times as demand more of them," so that the concept of the good life is lost in the number of things which it possesses. He comes back with enthusiasm to the idealism of Morris, Hudson, and H. G. Wells in the nineties. He spares us, except for a single reference, that sorrowful utopia of after-war poverty and toil in Walther Rathenau's The New Society.

The significant part of Mr. Mumford's book is the last third, in which he holds up to our view the realized dreams of the modern world, not the ideals which have been fashioned by the imagination of individuals but those which have arisen by common consent, as collective utopias and social myths. And of the concepts in which we embody our notion of the good life he selects three: The Country House, the paradise of exploitation; Coketown, the hell of industry; and between them, binding them together, keeping Coketown working for the Country House, is a sort of purgatory called Megalopolis, the great city of big business, and capital of the national state. These are the realized utopias of the world in which we live, re-

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flected in our literature, implicit in our art, objects of aspiration and worship to our youth through the rites of education, which make them objects of religious veneration.

In his criticism of these social concepts Mr. Mumford writes with pungency. "Perhaps the shortest way to suggest the character of Country House institutions is to say that they are the precise opposite of everything that Plato looked upon as desirable in a good community." "For Plato," as we were reminded, in an earlier chapter, "happiness was what one could put into life and not what one could loot out of it; it was the happiness of the dancer rather than the happiness of the glutton." The Country House expresses "a functionless existence; or at best, an existence in which all the functions that properly belong to civilized man shall be carried on by functionaries." "Its culture means not a participation in the creative activities of one's own community, but the acquisition of the products of other communities." Of Coketown the characteristic phenomenon is the rubbish heap. "The rage and fury of Coketown's production has to be balanced off by an equal rage and fury of consumption . . . consumption is not merely a necessity: it is a social duty, a means of keeping 'the wheels of civilization turning.'" "The ultimate aim of the Megalopolis is to conduct the whole of human life and intercourse through the medium of paper. . . . The daily newspaper, the ledger, the card index, are the means by which he [the citizen] now makes contact with life, whilst the fiction magazine and the illustrated paper are the means by which he escapes from it."

Mr. Mumford does not claim originality for the substance of this criticism, but its picturesque form is his own. In the Country House, Megalopolis, Coketown, he sketches vividly the habitations of Matthew Arnold's barbarians, philistines and populace. Another point in which he recalls Arnold's social criticism is in his protest against the partisan zeal of uplifters. In the earlier industrial age the overwhelming misery of Coketown naturally limited men's view to getting rid of its worst evils, and thence persisted the idea that the great necessity of a good life for the mass of men was the ownership and control of industry. Mr. Mumford makes the same objection to this partial utopia that he does to Prohibition, Proportional Representation, and other panaceas, the objection which Arnold made to the liberal practitioners of his day—that they tend "to substitute the part for the whole, and to pour into the part all the emotional content that belongs to the whole." And again, like Arnold, he condemns the external character of these remedies—they do not tend to the making over of men; they are mere machinery.

But Mr. Mumford leaves us with a faith in the utopian method, provided that it pursue as its true object, the total perfection of man and society. In his last chapter, perhaps the most suggestive of the book, he shows how science and art have both escaped from the service of mankind. Science has given us the means of making over the world, but the ends to which the world has been made over have been determined not by science, but rather by the art and literature which have left us satisfied with the Country House, Coketown and the national state. "The application of the scientific method to man and his institutions has hardly been attempted." In like manner the divorce of art of the cultivated classes from that of the whole community has tended to deprive art of its highest function, and to render it sterile by leaving it with no standards except such as the artist chooses to erect. Art has become an esoteric thing devoted to the enjoyment of the few, while beauty has perished from the lives of men. To bring both art and science to the service of mankind is Mr. Mumford's utopia; and if this seems a hard saying it is most persuasively and engagingly said.

Indeed, it is by Mr. Mumford's skilful writing that his readers are lured on, from what begins as a simple exposition which children would delight in, to sociological analysis of a searching character. The transition is so naturally made, the lucidity of style is so steadily sustained, that even untrained readers will persist to the end. Of no recent book is such earnest reading more heartily to be desired. It is itself fitted to promote the utopian habit of mind—"the freedom to project new patterns," the faith that "human beings can will a change in their institutions and habits of life"—a freedom and a faith which are above all the essential not merely to the success but to the interest of the experiment of human society.

ROBERT MORSS LOVETT.

Huneker's Letters

The Letters of James Gibbons Huneker, edited by Josephine Huneker. New York: Charles Scribner's Sons. $3.50.

JAMES HUNEKER'S much heralded autobiography, Steeplejack, was a disappointment. Instead of the brilliant pageant of the arts that thirty years' acquaintance qualified him to marshal for his readers, he took them into the side streets where the procession was gathering and gave them little more than a vague impression of beery, shrill-voiced confusion. His posthumous volume, Variations, was a shade better, but reprinted some of the most characteristically Bohemian passages, though properly reserving the bulk of the space for the musical criticism and reminiscence to which he returned in his latter years. Yet it added little to his celebrity. The reason for the comparative flatness of both books is that the Bohemian is interesting only when he is caught unawares. If he knows that anybody is looking he begins to pose and smirk. It is a bore to have to listen to people who talk as if a glass of beer were an adventure and a mild jag a modest accomplishment.

It is the absence of such self-consciousness that makes the Letters just published so much more genuine and readable than the story he chose to give to the world a year or two before his death. The boyishness that made him say in Variations that Bernard Shaw probably thought of him as a "pie-eyed youth who was all roses and raptures," is obvious enough in his notes and letters to his friends; but it is boyhood unaware of itself, not showing off. He writes to an editor, "I promise that if you will allow me to call and say good-bye to you the week of August 1st some afternoon, I shall not talk so much as I have done in this letter. I feel quite hoarse." To an editor, "I think it is a better book. But better or not it's the last I'll ever write on fantastic, exotic, erotic, esoteric, idiotic themes. I'm done. . . ." To a fellow author, "I enjoyed the 'Pal.' Print it somewhere simply to make someone mad. *That's* a sweet joy, too." And to a critic, after a painful accident in Cologne, "Hell and Hominy! But I hate work after 3 months loafing (and my ribs in a sling)."

He was versatile with the uncalculating enthusiasm of a boy who will turn from one hill-top to another with complete disregard for all the hard climbing it involves. It's

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the fresh view he was after. Yet he realized how extravagant he was of effort, writing to a friendly critic, "Of course you saw through the elbowgrease-versatility paragraph. All the work in the world won't produce versatility —and I'm sorry to add that versatility too often spells superficiality." Yet five years later, in 1912, he wrote of one month's travel, "I've interviewed Lloyd George (N. Y. World), Joseph Conrad (Times), Matisse (Times), the Futurists (Metropolitan Magazine), Richard Strauss (the same), also for the Times; and I must write specials on Vienna (Century Magazine), and Prague for Scribner's; not to mention articles on Modern German Art (which I abominate) and one on Vermeer." Of course any reckless newspaper correspondent could have taken on such a lot of commissions, but the striking fact about it is that Huneker was qualified to write with a degree of critical authority on every one of the subjects except the political one.

Such an output demanded fast writing; and he wrote at a pace that only a journalist could achieve: 5,000 words a day for long stretches; a 6,000 word magazine article once in six hours; and to cap all climaxes: "In Paris, where I went to write, I accomplished the well-nigh crazy feat of writing 33,000 words from a Thursday night to a Sunday morning (i. e. Monday 3:30 A. M.). Several days I wrote fourteen hours at a stretch." Full of spirit though he was, he flagged often under the incessant drive. His newspaper writing was all piece work, his book royalties were small, and the need of the dollar pursued him. "I'm fagged with theatre and music and travel. . . . When you are in the saddle . . . you will appreciate brain fag and the unutterable weariness that comes from 52 weekly repetitions. . . . Some day my nerves will rebel. . . . That gives me my nights free—free to toil." Yet way toward the end, when natural fatigue was aggravated by illness, the old boyish zest buoyed him on: "My summer is lost. No music. No outings. Ten thousand words weekly. . . . And hell, and writer's cramp, and I can't typewrite, I can't dictate. But Oh! what a beautiful flow of language is gushing up from my sub-consciousness, what a dazzling rainbow mist of vocables!"

Such speed and such outwellings made for a fluent, yet sinewy style. He had his theory and gave it in comments on some of his younger friends; as for example: "Don't write with grave pauses, profound smirks, and all the pompous, silly, amatory mean little reservations, attenuations, periphrases and involutions of your contemporaries. Far better an honest staccato phrase than a wilderness of sostenutos." He never praised his own work, but he enjoyed the praise of others, especially the testimony of translation into other languages. He was inclined to undervalue himself, but in a long letter to H. L. Mencken he made a fair diagnosis and, incidentally, supplied an honest staccato phrase which is unacknowledged as a quotation in the Book of Prefaces. "No, I've not a drop of German blood in me. If I had I might possess more of what I once called The Will-to-Sit-Still. (Sitzfleisch.) I'm too Celtic, too centrifugal, as opposed to the centripetal Teuton, too fickle, if too Catholic, and I'm a poor man at 56. . . . I'm Celto-Magyar—Pilsner and Donnybrook Fair."

It's a very intriguing Bohemian that appears in these letters where he has for the moment quite forgotten the public. He is an eager lover of the things that are more excellent; versatile all the time, but some of the time an exact and exhaustive student; an overflowing spring of generous impulses, a sensitive and abiding friend; and a loyal lover. It must have been fun to know him.

PERCY H. BOYNTON.

Sociology and the Scientific Method

Society and Its Problems, by Grove Samuel Dow. New York: Thomas Y. Crowell. $2.75.

IT is neither profitable nor essential, and hence it is imprudent, to define the "science" and the practice of sociology. Indeed, among the most suspicious symptoms of sociological fatuity is an unsophisticated zeal for its scientific method and the social mission of this method. Not that we would not put the attitude and uses of the scientific method into social betterment, were we certain what constitutes the science of society. If it is the application of common sense and decency to personal and social conduct, then it cannot very well be "scientific," for the whole history of science has been the valiant struggle of uncommon perspicacity based on uncommon knowledge against the common notions of the day. If it is the prophetic faith in a better world, then its prophecies differ essentially from the inductive genius of a Clerk-Maxwell. And if it is the careful, honest and courageous estimate of social forces, then again it is enlightened and not formal judgment. The truth is that to compare actual to social science, the physical laboratory to the settlement or the trade union, without an acute sense of poetic license is to commit one of the gravest of fallacies. All we can say of the discipline of sociology, should we grant this unfortunate term over and above social psychology, is that it requires the most watchful and intelligent amendment of social theory by social life; and that this watchfulness is "scientific" in proportion to the astuteness, intellectual honesty and deliberate erudition of those who exercise it. This is why Wallas's Great Society or Lippmann's Public Opinion are revealing beyond measure in comparison to all the "Introductions" and "Principles" and "Outlines" of sociology of our academic Kleinbürgers.

Mr. Dow's Society and Its Problems is another such "Introduction," which would be merely innocuous were it not prescribed reading for sophomores in prairie colleges. The first sixteen pages are devoted exclusively to tautological definitions of the "science" of sociology. Sociology is "the science of society"; it is "social philosophy"; then again it is "the study of civilization," and so on and so on . . . until in the last paragraph of the sixteenth page Mr. Dow duly crowns her the Queen of Science and of Progress, and then introduces the reader to her "Problems."

Among her problems is the sad fact that "mulattoes are much more addicted to crime than the pure negro." Mr. Dow rejects "the social and political equality between the races," because it "would be disastrous in view of colored inferiority, mental, moral and industrial." Hence "the caste viewpoint is almost the only attitude we can take toward the negro" for the present. The author also comes to the conclusion that immigration must be further restricted; that the Christian church is far superior to any other, and so on down the line on Main Street. And the lengthy bibliography attached to each chapter indiscriminately recommends authorities and amateurs.

Plato in his Republic fervently preached the doctrine that what we now call sociology, in theory and practice, is first a Fine Art and only then a Method. This is quite as true in the Modern Republic. Hence those who write on social questions without the art of social estimate leave Society and Its Problems still more problematic.

BENJAMIN STOLBERG.

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A Glutton for London

The London Spy: A Book of Town Travels, by Thomas Burke. New York: The George H. Doran Company. $2.00.

IF for nothing else, we must at least give Thomas Burke credit for intensive and assiduous cultivation of his field. I think Christopher Morley once pointed out Mr. Burke's habit of repeating himself; certainly, now, that habit is reaching alarming proportions. Mr. Burke has rewritten his most popular book, Limehouse Nights, three times: as verse in The Song Book of Quong Lee of Limehouse, as a novel in Twinkletoes and as additional short stories in More Limehouse Nights. And the material of Mr. Burke's first and best book, Nights in Town, has been worked over into four other volumes: London Lamps, Out and About, The Outer Circle and now The London Spy. I fancy that Mr. Burke must think of his London as a large and somewhat juicy sponge: the first squeeze, when the sponge was fairly dripping and aching for friendly fingers, brought forth Limehouse Nights and Nights in London; the second series of squeezes, with the sponge continually drier, came off not so successfully; now, in The London Spy, Mr. Burke hurts his fingers and produces very little juice indeed. His sponge has become a residue. The London Spy, in short, is thin stuff. Mr. Burke devotes himself once again to a casual appraisal of various phases of London life; he rambles and wanders, mostly at night, and sets down what he finds. He visits a movie studio in Islington, buys pipes at Dunhill's in Duke Street, discovers pubs and eating places in remote corners, investigates Berwick Street Market, listens to Cockney confessions at the Thames Police Court, drinks vermouth in Canning Town, discovers a streetful of beautiful children in White Horse Lane, smokes opium near the Dock Road, and finds out, after all, that "Bloomsbury was never so bad as it has been painted." Only Westminster and the night clubs are neglected. And even the chimes of Big Ben are duly noted down.

It may be true that London is big enough to stand nine books about her from one hand. But that hand should be a bigger one than Thomas Burke's. JOHN GUNTHER.

Just Nerves

Just Nerves, by Austen Fox Riggs, with an introduction by Henry Van Dyke. Boston: Houghton Mifflin Company. 90c.

THIS book is a little eighty-seven page affair of sound practical advice from the physician to the nervous layman and the parent of the nervous child. Dr. Riggs is, as Henry Van Dyke in introducing him assures us, "sane, modest, helpful and encouraging." He is also dogmatic as becomes the good physician upon whom all rely for encouragement. He is familiar with modern psychological belief, and garnishes the book with a chapter on psychology. Moreover this chapter is presumably part of his treatment: since scientific knowledge is power, the nervous reader gains confidence if he is taught to understand the mind, even though he be taught in but eleven pages. A jolly little example of correspondence school psychology, by a successful physician, sincerely motivated, and probably as right as the necessity of an assured manner permits.

Such books always raise the dilemma of the two-fold function of language. Do we talk and write to influence our fellow-men or to tell the truth? What are we to do when the two functions are incompatible, as they are when the proper verbal spur to action is gained only by the pretense that we are uttering facts? Dr. Riggs proceeds on the thesis that "self-knowledge, psychologically and ethically, is the best assurance against nervous breakdown," but his book is better understood as a psychological stimulus than as a psychological text. One wonders nevertheless whether the majority of nervous laymen are such muddy thinkers as to receive the assurance of power that knowledge gives from his vague account of the "spiritual" element in mental life.

The last two chapters give common sense rules for the child and the adult: four symptoms to be avoided with the child, ten rules for the adult. They are all good advice, and they are true to common sense in that they involve an inconsistency. You never could tell from reading this book whether man is a free agent or a pawn on the chessboard of life. Of course not, for the nervous man needs to adhere to both positions. He needs confidence and confidence comes both when he is relieved of responsibility by being told that his mental life is dependent on external factors and also when he is made responsible by being assured that his cure lies within his own power. But then no one ever maintained that the knowledge that is power is always self-consistent.

The best thing about the book is its insistence on the reality of the mental life: nervousness and all the other mental goods and ills are just as real as the broken leg or the strong arm. There are very few of us but need this advice EDWIN G. BORING.

Pio Baroja

The Quest, by Pio Baroja. New York: Alfred A. Knopf. $2.50.

THE realism of this new novel of Baroja's will disappoint whatever portion reads it of that now famous average, the American reading public. For these devotees of the modern genre of clutter in art, there is in this book neither the sordid clap-trap of Gopher Prairie's thoroughfare, nor any of the sentimental ecstatics of Mark Sabre's story. Rather is it an almost diabolical selection of life's constituents pared to the quick. A tale told in essentials only, and these as elemental as grit.

With such terms—cruel, bitter, but beautiful in their lucid brutality—is told this story of Madrid's underworld; of the struggle of Manuel, son of the unimaginative and consumptive drudge Petra, a youth forecursed with sensitiveness and spirit in this world of brothel, beggars' court and gutter; of Roberto's romantic search—ever held in by the set pattern of the author—for a woman and the way to a hundred million reales; of Leandro and Milagros's tragic adolescent passion. A sinister tale, perhaps, but not a sordid one. Its terms are too true for that, and it is sinister only in the sense that all such elemental living is sinister.

For Baroja is too much of an artist to falsify his matter in any interest. He knows that even in the squalid boarding house on Mesonero Romanos Street there is room for an occasional kindness; that there is the haven of Senor Custodio's home among the wretched huts of the ragpickers; that the spark of at least one gutter-rat's life is at some diviner fire. And he knows that the city is itself a harsh loveliness—whether in the full glare of the southern sun, among its transparent mists, or through slants of metallic rain. With such has he builded, and his art—so firmly and truly grounded—attains the vitality and beauty of hard things, things that endure.

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M. A.

The Index for Volume XXXII, which was completed with our issue No. 416, has been printed separately. It will be mailed on request, post free, to any subscriber who will send his name and address on a post card directed to the New Republic, 421 West 21st Street, New York City.

Contributors

JOHN PEALE BISHOP, Princeton 1917, was for some years managing editor of Vanity Fair. He left early last summer to spend several months in Europe. He has published two books of verse, Green Fruit and, with Edmund Wilson, Jr., The Undertaker's Garland.

ABRAHAM I. HARRIS is a member of the editorial staff of the Minnesota Daily Star. He was formerly on the staff of the Minneapolis Tribune and the Los Angeles Times and, prior to his seven years' newspaper experience, a student at the University of Minnesota.

ERNST FREUND is professor of jurisprudence and public law in the University of Chicago, and the author of a number of volumes on legal subjects.

DICKINSON S. MILLER has been a professor in philosophy at Columbia and is now professor of apologetics at General Theological Seminary.

PERCY H. BOYNTON is a professor in the English department of Chicago University and the author of London in English Literature and A History of American Literature.

BENJAMIN STOLBERG, Harvard 1917, has been teaching sociology in the University of Oklahoma and is now writing on social subjects.

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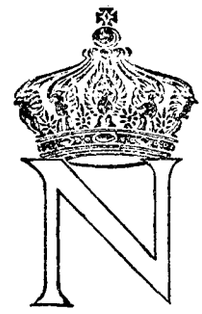

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